

STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE

TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

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



HIS EXCELLENCY

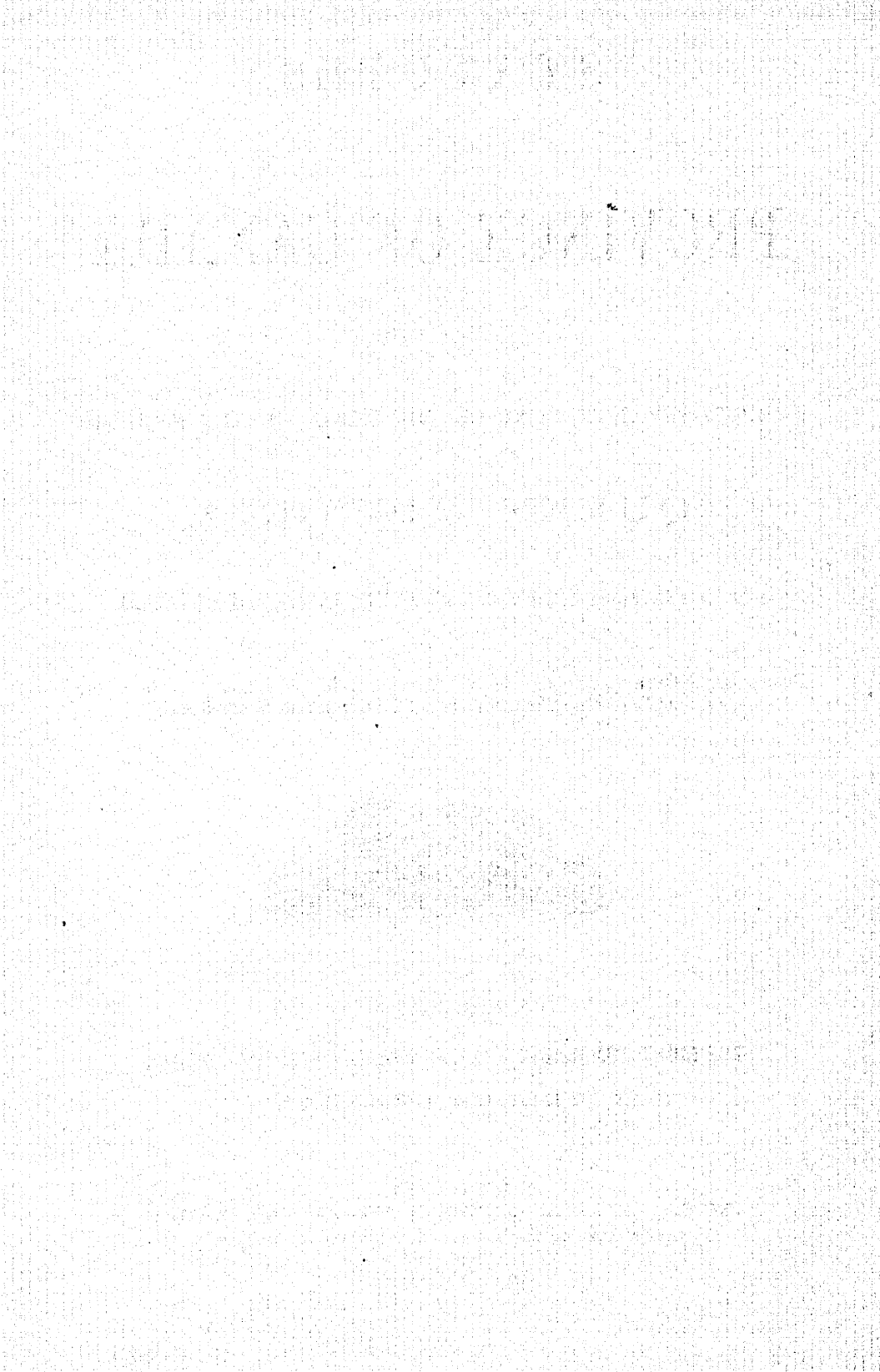
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK

GOVERNOR GENERAL.

QUEBEC:

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

Anno Domini, 1863.





ANNO VICESIMO-SEPTIMO

VICTORIÆ REGINÆ.

C A P . I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year 1863, for making good certain sums expended for the public service in 1862, and for raising a Loan on the Credit of the Consolidated Revenue Fund.

[Assented to 15th October, 1863.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by Messages from His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, and other purposes, for the year one thousand eight hundred and sixty-three, and to make good certain sums expended for the Public Service, in the year one thousand eight hundred and sixty-two :—May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid, and applied a sum not exceeding in the whole three millions, nine hundred and nine thousand, four hundred and fifty-four dollars, and twenty-seven cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and sixty-three, and not otherwise, provided for,

\$3,909,454.27
granted out of
consolidated
Revenue Fund.

and to make good certain sums expended for the Public Service in the year one thousand eight hundred and sixty-two, and for other purposes set forth in the Schedule to this Act.

Loan of \$1,500,000 authorized.

2. It shall be lawful for the Governor in Council to authorize the raising, by way of loan on the credit of the Consolidated Revenue Fund of this Province, a sum not exceeding one million five hundred thousand dollars, to be placed to the credit of the said Consolidated Revenue Fund, towards making good the sums charged upon the said Fund by this Act, for the Public Service.

How to be raised.

3. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the sale of Provincial Stock, or the issuing of Debentures, or both, to an amount not exceeding in the whole the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest not exceeding five per centum per annum, and the principal and interest thereon may be made payable at such periods and at such places, as to the Governor in Council shall seem most expedient, the said principal and interest being hereby made chargeable upon the Consolidated Revenue Fund of this Province.

Rate of Interest.

Sums payable out of Special Funds.

Toronto Gaol.

4. The sum of eighteen thousand dollars appropriated in the Schedule hereunto annexed for the Toronto Gaol, shall be taken out of and charged upon the Upper Canada Building Fund; and

Quebec Gaol.

The sum of fifteen thousand five hundred dollars appropriated in the said Schedule for the completion of the Quebec Gaol, shall be taken out of and charged upon the Building and Jury Fund for the District of Quebec, and

Kamouraska Gaol, &c.

The sum of four thousand dollars appropriated in the said Schedule for repairing the Kamouraska Gaol and Court House, shall be taken out of and charged upon the Building and Jury Fund for the District of Kamouraska.

Accounts to be laid before Parliament.

5. Accounts in detail of all moneys raised, received and paid under this Act, and of the Provincial Stock or Debentures sold or issued under the same, and of the interest thereon, and of the redemption of the whole or any part thereof, and of all expenses attending the raising and payment of the sums to be raised, received and paid under this Act, shall be laid before both Houses of the Legislature of this Province, at each Session thereof.

Account to Her Majesty.

6. The due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

SCHEDULE.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.	Total.
<i>Civil Government.</i>		
	\$ cts.	\$ cts.
Governor General's Secretary's Office	1,260 00	
Provincial Secretary's Office	12,826 76	
Provincial Registrar's Office	5,677 50	
Receiver General's Office	12,870 00	
Finance Minister's Department	\$14903 33	
Do Customs Branch	12910 00	
Do Audit Branch.....	5840 00	
	33,653 33	
Executive Council Office	8,844 00	
Department of Public Works	19,840 67	
Bureau of Agriculture	13,090 00	
Post Office Department	24,400 00	
Crown Lands Department.....	\$45561 00	
Do Indian Branch.....	6560 00	
	52,121 00	
Attorney and Solicitor General, East	2,410 00	
Do do West.....	3,350 00	
Contingencies of Public Departments.....	60,000 00	
		250,343 26
<i>Administration of Justice, East.</i>		
To meet Contingent Expenses of the Administration of Justice in L. C., not otherwise provided for	117,900 00	
		117,900 00
<i>Administration of Justice, West.</i>		
Salaries, Court of Chancery	7,200 00	
Do and Contingencies of Courts of Queen's Bench and Common Pleas.....	8,795 00	
Circuit allowances of Judges Court of Chancery	2,900 00	
Criminal Prosecutions	6,000 00	
To meet Contingent Expenses of the Administration of Justice in U. C., not otherwise provided for	2,000 00	
		26,895 00
<i>Police.</i>		
Amount required to meet the expenses of the River Police, Montreal, during the present year.....	11,200 00	
Do do do of River Police, Quebec	11,800 00	
		23,000 00
<i>Penitentiary, Reformatories and Prison Inspection.</i>		
For maintenance of Provincial Penitentiary	\$57923 00	
Towards Building and Materials for do	4392 00	
	62,315 00	
For maintenance of Criminal Lunatic Asylum	\$15201 00	
	15,201 00	
<i>Carried over</i>	62,315 00	418,138 26

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
<i>Brought over</i>	15,201 00	
	\$ cts. 62,315 00	\$ cts. 418,138 26
<i>Penitentiary, Reformatories and Prison Inspection.—Cont.</i>		
For Building Materials, Tools, &c	7,680 00	
	22,881 00	
Reformatory Penetanguishene;—maintenance of	16,592 00	
Do. Materials and labor for new prison and forhouses for Guards.	12,000 00	
	28,592 00	
Do. St. Vincent de Paul; maintenance of	16,420 00	
Do. Do. for house for Warden, Hospital additional Cells, Wall, Bridge and Fences	4,000 00	
	20,420 00	
Inspection of Prisons and Asylums	12,500 00	
		146,708 00
LEGISLATION.		
<i>Legislative Council.</i>		
Salary of the Speaker for broken period, (Part) . . .	\$1,060 00	
Do Clerk	2,000 00	
Do Assistant Clerk and French Translator	1,600 00	
Do Law Clerk	1,000 00	
Do Chaplain and Librarian	800 00	
Do Gentleman Usher of the Black Rod	400 00	
Do Sergeant at Arms	400 00	
Do Head Messenger	400 00	
Do Door Keeper	240 00	
Do Three Messengers for the Session at \$180 each	540 00	
Contingent Expenses	66,000 00	
	74,440 00	
<i>Legislative Assembly.</i>		
Salary of the Speaker, (Part)	496 10	
Do Clerk	2,000 00	
Do Assistant Clerk	1,600 00	
Do Law Clerk and English Translator	2,000 00	
Do Sergeant at Arms	400 00	
Contingent Expenses	211,471 66	
	217,967 76	
<i>General Expenses.</i>		
For Expense of Printing and Binding the Laws . . .	21,000 00	
For do Distributing do	3,500 00	
Grant to Parliamentary Library	4,000 00	
Salary of Clerk of the Crown in Chancery	1,280 00	
Contingencies of do do	600 00	
	30,380 00	
<i>Education.</i>		
Additional Sum for Common Schools, U. and L. Canada . . .	160,000 00	322,787 76
(\$6000 of which out of the Lower Canada share to be applied to Normal Schools.)		
Aid to Superior Education Income Fund, L. C.	\$20,000 00	
Do do do U. C.	20,000 00	40,000 00
<i>Carried over</i>	200,000 00	887,634 02

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	200,000	00	887,634	02
<i>Education—Continued.</i>				
To be distributed as follows:				
Victoria College, Cobourg.....	\$5,000	00		
Queen's College, Kingston.....	5,000	00		
Regiopolis College, do.....	3,000	00		
St. Michael's College, Toronto.....	2,000	00		
Bytown College, Ottawa.....	1,400	00		
Grammar School Fund, Upper Canada.....	3,200	00		
L'Assomption College, Sandwich.....	400	00		
	\$20,000	00		
Salaries and contingencies of Department of Education, L. C.	18,385	00		
Do do do do U. C.	13,100	00		
			231,485	00
<i>Literary and Scientific Institutions.</i>				
Aid to Medical Faculty, McGill College, Montreal.....	750	00		
Do Do Victoria College, Cobourg.....	750	00		
Do School of Medicine, Montreal.....	750	00		
Do Do Kingston.....	750	00		
Do Do Toronto.....	750	00		
Do Canadian Institute, Do.....	750	00		
Do Natural History Society, Montreal.....	750	00		
Do Historical Society, Quebec.....	750	00		
Do Canadian Institute, Ottawa.....	300	00		
Do Atheneum, Do.....	300	00		
Observatory, Quebec, to defray Expenses of.....	2,400	00		
Do Toronto, Do.....	4,800	00		
Do Kingston, Do.....	500	00		
Do Isle Jesus, Do.....	500	00		
			14,800	00
<i>Hospitals and Charities.</i>				
Aid to Toronto Hospital..... Toronto	6,400	00		
Do Do for County Patients..... do	4,800	00		
Do Do House of Industry..... do	2,400	00		
Do Protestant Orphan's Home and Female Aid Society,..... do	640	00		
Do Magdalen Asylum,..... do	480	00		
Do Roman Catholic Orphan Asylum,..... do	640	00		
Do Lying-in Hospital,..... do	480	00		
Do Deaf and Dumb Institution,..... do	1,600	00		
Do Public Nursery for children of the Poor,..... do	320	00		
Do House of Providence,..... do	320	00		
Do Indigent sick,..... Quebec	3,200	00		
Do Hospice de la Maternité,..... do	480	00		
Do Roman Catholic Orphan Asylum,..... do	480	00		
Do Asylum of the Good Shepherd,..... do	640	00		
Do Managers of Protestant Female Orphan Asylum,..... do	320	00		
Do Finlay Asylum,..... do	320	00		
Do Male Orphan Asylum,..... do	320	00		
Do St. Bridget's Asylum,..... do	320	00		
Do Ladies' Protestant Home,..... do	320	00		
	24,480	00	1,133,919	02
<i>Carried over</i>				

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	24,480 00	1,133,919 02
<i>Hospitals and Charities.—Continued.</i>		
Aid to Canada Military Asylum for Widows and Orphans.....	Quebec .. 160 00	
Do Indigent Sick.....	Montreal .. 3200 00	
Do Corporation of the General Hospital.....	do .. 4000 00	
Do St. Patrick's Hospital.....	do .. 1600 00	
Do Sœurs de la Providence.....	do .. 1120 00	
Do General Hospital des Sœurs de la Charité..	do .. 800 00	
Do Bonaventure Street Asylum.....	do .. 430 00	
Do Nazareth Asylum, Blind and Destitute Children.....	do .. 430 00	
Do St. Patrick's Roman Catholic Orphan Asylum.....	do .. 640 00	
Do Protestant Orphan Asylum.....	do .. 640 00	
Do House of Refuge.....	do .. 480 00	
Do University Lying-in Hospital.....	do .. 480 00	
Do Lying-in Hospital under care of Sœurs de la Miséricorde.....	do .. 480 00	
Do Deaf & Dumb Institution, Montreal.....	do .. 1600 00	
Do Ladies Benevolent Society for Widows and Orphans.....	do .. 320 00	
Do Charitable Association of the Ladies of the Roman Catholic Asylum.....	do .. 320 00	
Do Magdalen Asylum (Ladies of Bon Pasteur).....	do .. 320 00	
Do Eye and Ear Institution.....	do .. 320 00	
Do Montreal Dispensary.....	do .. 320 00	
Do Montreal Home and School of Industry.....	do .. 320 00	
Do St. Vincent de Paul Asylum.....	do .. 430 00	
Do Kingston General Hospital.....	Kingston .. 4800 00	
Do Indigent Sick.....	do .. 2400 00	
Do Hôtel-Dieu Hospital.....	do .. 800 00	
Do Orphan Asylum.....	do .. 640 00	
Do Hamilton Hospital.....	Hamilton .. 4800 00	
Do Orphan Asylum.....	do .. 640 00	
Do Roman Catholic.....	do .. 640 00	
Do Indigent Sick.....	Three Rivers .. 2240 00	
Do London Hospital.....	London .. 2400 00	
Do Protestant Hospital.....	Ottawa .. 1200 00	
Do Roman Catholic Hospital.....	do .. 1200 00	
Do Sorel Hospital.....	Sorel .. 320 00	
Do St. Hyacinthe Hospital.....	St. Hyacinthe .. 320 00	
	65290 00	
Do Marine and Emigrant Hospital, Quebec.....	19783 00	
Do Provincial Lunatic Asylum, Toronto, maintenance.....	55,295 00	
Do do maintenance of Female Branch.....	7,540 00	
	62835 00	
Do Orillia Branch Asylum, maintenance.....	13,167 00	
additions and repairs..	500 00	
	13667 00	
<i>Carried over</i> ...	161,575 00	1,133,919 02

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	161,575 00	1,133,919 02
<i>Hospitals and Charities.—Continued.</i>		
Aid to Malden Asylum, maintenance. 24,500 00		
Pony engine, additions and repairs 1,000 00		
	25,500 00	
Do St. John's Asylum, maintenance and repairs	13,000 00	
Do Beauport Asylum, Quebec	63,000 00	
Do Shipwrecked Mariners	600 00	
		263,675 00
<i>Geological Survey.</i>		
To meet expenses of the Geological Survey of the Province, in the year 1863		15,000 00
<i>Arts, Agriculture and Statistics.</i>		
Aid to the Boards of Arts and Manufactures, Upper and Lower Canada, at \$2,000 each	4,000 00	
Publication of Specifications and Drawing of Patents	1,400 00	
		5,400 00
<i>Agricultural Societies.</i>		
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4,000 each	8,000 00	
		8,000 00
MILITIA.		
Deputy Adjutant General for Lower Canada... \$2,240 00		
Do Upper Canada... 2,000 00		
Chief Clerk and Accountant	2,000 00	
Assistant do	1,200 00	
1 Clerk	1,200 00	
1 do	1,000 00	
5 do at \$500 each	2,500 00	
Messenger \$400, Assist. do and Laborer \$365.	765 00	
	12,905 00	
8 Storekeepers of Prov. Armouries, at \$300 ea.	2,400 00	
Rent of Armouries, care of Arms and pay of care takers and Storemen of Armouries, including Fuel for Armouries	20,000 00	
	22,400 00	
Contingent Expenses for Stationery, Printing, repairing Arms, &c., transport of Arms, Clothing and Stores, and all other incidental expenses of the Militia	31,600 00	
	66,905 00	
<i>Carried over</i>	66,905 00	1,425,994 02

SCHEDULE—Continued.

SERVICE.	Amount	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	66,905 00	1,425,994 02
<i>Drill Instructors.</i>		
Pay of 130 Drill Instructors.....	\$46,000 00	
Add for transport of do.....	15,333 00	
	61333 00	
<i>Brigade Majors.</i>		
20 Brigade Majors.....	12,000 00	
Do 50 cts. a day each in lieu of forage for a horse	3,650 00	
Do travelling expenses, stationery, postages..	12,000 00	
	27650 00	
Allowance in lieu of clothing to 110 Uniformed Corps, at 55 men per Company, 6,050 men, at \$6 per man	36300 00	
Ammunition; Bill of the Imperial Government for the seven Field Batteries of 1862.....	3181 00	
<i>Small Arm Ammunition for 1863.</i>		
20,000 Men at 60 rounds ball, 1,200,000 at \$15 per 1000.....	18,000 00	
20,000 Men at 40 rounds Blank, 800,000, at \$7 per 1000.....	5,600 00	
2,000,000 Percussion Caps at 90 cents per 1000.	1,800 00	
	25400 00	
Great Coats.....	25739 00	
Accoutrements.....	112000 00	
For the erection of Drill Sheds and Armouries.....	20000 00	
For Prizes for Drill and Target Practice.....	2000 00	
	380508 00	
<i>Clothing.</i>		
20,000 Shakos, Tunics and Trowsers, at \$10 each suit.....	200,000 00	
Deduct balance of Estimate of 1862, viz: Vote of 1862.....	250,000 00	
Expend. of 1862... \$98,444 00		
Additional amount } paid and to be } \$23,000 00	121,444 00	
paid for 1862... } \$128,556 00	71444 00	
Compensation to Pensioners in lieu of land.....	10167 81	
		462,119 81
<i>Emigration.</i>		
Grosse Isle.....	6000 00	
Salaries and expenditure of Agents in Canada.....	16000 00	
Cost of Mr. Buchanan's Mission to England and consequent expenses thereon.....	5000 00	
Emigration Expenditure.....	20000 00	
	47000 00	
Less authorized by Con. Stat., Canada, Cap. 10, Schedule B.	3008 83	43991 17
<i>Carried over</i>		1,932,105 00

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1,932,105	00
<i>Pensions.</i>				
Samuel Waller as late Clerk of Committees to the Legislative Council, Lower Canada.....	\$400	00		
John Bright, as late Messenger to do.....	80	00		
Louis Gagné, do to Legislative Assembly, L. C.....	72	00		
			552	00
G. B. Faribault, as late Assistant Clerk, Legislative Assembly.....	\$1600	00		
Mrs. Catherine Antrobus.....	800	00		
Mrs. Charlotte McCormick.....	400	00		
Pierre Bouchard, for wounds received in the Public Service.....	100	00		
Jacques Brien, do do.....	80	00		
			2980	00
<i>Indian Annuities.</i>				
New Indian Annuities.....	4400	00		
			3,532	00
			4,400	00
<i>Public Works and Buildings.</i>				
Welland Canal; Continuation of contract deepening Lake Erie level.....	20000	00		
Rideau Canal; Repairs at Black Rapids and other neces- sary repairs.....	10000	00		
Ottawa Works; Improvements on River du Moine for Slides and Booms.....	8850	00		
St. Maurice Works; Improvement and purchase of land.....	5000	00		
Inland Lake and River Lights; Works of protection and extraordinary repairs and purchase of lands.....	5000	00		
Pier at Chantry Island, Lake Huron.....	5500	00		
Ottawa Buildings, additional.....	100000	00		
For building a Gaol and Court House at Sault Ste. Marie.....	8000	00		
Governor's residence at Spencer Wood, rebuilding Conser- vatory and additional works.....	4000	00		
Arbitrations.....	20000	00		
Survey and Exploration of route for the Intercolonial Railway.....	10000	00		
			196,350	00
<i>Rents and Repairs.</i>				
Rents and Repairs for 1863.....	20000	00		
To meet balance payable on Catarqui property.....	8000	00		
			28,000	00
<i>Roads and Bridges.</i>				
Colonization Roads, Upper Canada.....	25000	00		
Do do Lower Canada.....	25000	00		
For the St. Lawrence and New Brunswick Road by the Metapedia, for Military defence.....	15000	00		
Temiscouata Road.....	3000	00		
Towards repairing road across Indian Reserve at Caughna- waga.....	1500	00		
			69,500	00
<i>Carried over</i>			2,233,887	00

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			2,233,887	00
<i>Ocean and River Steam Service.</i>				
Tug Service between Montreal and Kingston.....	16,000	00		
Provincial Steamers.....	20,000	00		
			36,000	00
<i>Light-houses and Coast Service.</i>				
Trinity House, Quebec, Salaries as per detailed Estimates..	15,970	00		
Beacons, Buoys and Lights, do ..	26,606	00		
	42,576	00		
Do Montreal, Salaries and Contingencies do ..	19,100	00		
Inland Lake and River Lights.....	42,000	00		
Salaries of two Keepers of Dépôts for provisions at Anticosti, for the relief of Shipwrecked persons for 1863, at \$200 each.....	400	00		
Salary of Harbor Master, at Gaspé.....	\$50	00		
Do do Amherst	50	00		
			100	00
Allowance to Pierre Brochu for residing at Lake Metapediac, on the Kempt Road, to assist travellers thereon	100	00		
Do to Marcel Brochu, do at Petit Lac, do	100	00		
Do to Jonathan Noble, do at La Fourche, do	100	00		
Do to Thomas Evans, do at Assametquagan, do	100	00		
			400	00
Proportion of the expenses of keeping up Light-Houses on Isles of St. Paul and Scattered, in the Gulf	2,500	00		
			107,076	00
<i>Culling Timber.</i>				
Supervisor of Culler's Office			68,000	00
<i>Fisheries.</i>				
Bounties.....	10,000	00		
Lower Canada.....	9,800	00		
Upper Canada.....	5,500	00		
			25,300	00
<i>Railway and Steamboat Inspection.</i>				
Railway.....	4,685	00		
Steamboat	7,500	00		
			12,185	00
<i>Miscellaneous.</i>				
Aid to British and North American Association.....	1,000	00		
For subscription to and advertising in the Official Gazette ..	5,000	00		
For Postages of Official Gazette	800	00		
	6,800	00		
<i>Carried over</i>			2,482,448	00

SCHEDULE.—(Continued.)

SERVICE.	Amount.	Total.
<i>Brought over</i>	\$ cts. 6,800 00	\$ cts. 2,482,448 00
For Miscellaneous printing	8,000 00	
To meet Miscellaneous expenses of Public Service	6,000 00	
Expenses of Commissioners appointed to enquire into matters connected with the Public Service under Con. Stat. Cap. 13	20,000 00	
Shipping Master's Office	1,400 00	
Gratuity to widow of late A. F. Mickle, P. M., at Stratford ..	800 00	
do to two sisters of late Mr. Panton, Ocean Mail Clerk, at \$200 each	400 00	
do to William Hoople, for discovering Steam Boat Channel in Longue Sault	400 00	
<i>Expenses collecting Revenue.</i>		43,800 00
Customs	330,000 00	
Excise	35,000 00	
Post Office, inclusive of \$110,000 now payable to Railways ..	405,000 00	
Public Works, maintenance	\$126,400 00	
repairs	77,800 00	
collection and miscellaneous	27,000 00	
	231,200 00	
Territorial, surveys Upper Canada ..	\$45,000 00	
do Lower do ..	32,000 00	
	77,000 00	
Commissions, Inspections, Advertising and other Contingent expenses of the Crown Lands, Woods and Forests and Ordnance Lands ..	83,000 00	
	160,000 00	
To make good the expenditure incurred during the year 1862, as detailed in Statement No. 61, part II of the Public Accounts laid before the Legislature		1,161,200 00
		189,606 27
<i>Education.</i>		
Additional to Common Schools, Upper and Lower Canada, (the proportion for Upper Canada to be applicable for Grammar Schools)		32,000 00
<i>Miscellaneous.</i>		
Gratuity to Widow McNab, whose only son, Francis McNab, lost his life in a snow storm 7th February, 1861, in the effort to convey the Mails from Kincardine to Goderich		400 00
Total out of Consolidated Revenue Fund		3,909,454 27
<i>Out of Special Funds.</i>		
Toronto Gaol, (out of Upper Canada Building Fund)		18,000 00
Completion of Quebec Gaol, (out of Building and Jury Fund for the District of Quebec)		15,500 00
Repairing Kamouraska Gaol and Court House, (out of Building and Jury Fund for the District of Kamouraska)		4,000 00

C A P . I I .

An Act respecting the Militia.

[Assented to 15th October, 1863.]

Preamble.

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

Governor to be
Commander in
Chief.

1. The Governor shall, by virtue of his Office, be Commander in Chief of the Militia.

Of whom the
Militia shall
consist.

2. The Militia shall consist of all the male inhabitants of the Province of the age of eighteen years or upwards and under sixty, not exempted or disqualified by law.

Militia divided
into three
classes.

First.

3. The Militia shall be divided into three classes, to be called respectively first class Service Men, second class Service Men and Reserve Men : the first class Service Men shall be those of eighteen years of age and upwards, but under forty-five years, who are unmarried Men or widowers without children; and the second class Service Men shall be those between the ages last aforesaid who are married Men or widowers with children,—and the Reserve Men shall be those of forty-five years of age and upwards, but under sixty years.

Second.

Reserve.

EXEMPTIONS:

Certain func-
tionaries &c.,
to be wholly
exempt.

4. The following persons only, between the ages of eighteen and sixty years, shall be exempt from enrolment as hereinafter mentioned, and from actual service at any time :

The Judges of the Superior Courts of Law or Equity in Upper and Lower Canada ;

The Judge of the Court of Vice-Admiralty ;

The Judges of the County Courts ;

The Clergy and Ministers of all Religious denominations ;

The Professors in any College or University and all teachers in religious orders ;

The Warden, Keepers and Guards of the Provincial Penitentiary ;

Exemptions
except in case
of war, &c.

2. And the following, though enrolled, shall be exempt from attending muster and from actual service at any time except in case of war, invasion or insurrection :

The Reserve Men ;

The Members of the Executive and Legislative Councils ;

The Members of the Legislative Assembly ;

The Officers of the said Councils and Assembly respectively ;

The Attorneys and Solicitors General ;

The Provincial Secretary and Assistant Secretaries ;

All Civil Officers appointed to any Civil Office in this Province under the Great Seal ;

All persons lawfully authorized to practise Physic or Surgery ;

Half-pay and Retired Officers of Her Majesty's Army or Navy ;

Postmasters and Mail Carriers ;

Seafaring Men actually employed in their calling ;

Pilots and Apprentice Pilots during the Season of Navigation ;

Masters of Public and Common Schools actually engaged in teaching ;

Ferry-men ;

One Miller for each run of stones in every Grist Mill ;

Keepers of public Toll-Gates ;

Lock Masters and Labourers employed in attending to Locks and Bridges on Public Canals ;

The Engine Drivers, Conductors and Switchmen connected with the several Railways actually in use in this Province ;

Members of Fire Companies and of Hook and Ladder Companies ;--or persons having served as such regularly during seven consecutive years, and having a certificate thereof from the proper Officer under the *Act to exempt Firemen from certain local duties and services* ;

Officers, non-commissioned officers and men of the Volunteer Force whilst on the Roll of any Corps or Battalion and serving therein ;

Jailors, Constables and Officers of Courts of Justice, not being such solely by virtue of their being non-commissioned Officers of Militia ;

Students attending Seminaries, Colleges, Schools and Academies, who have been attending such at least six months previous to the time at which they claim such exemption ;

All

All persons disabled by bodily infirmity ;

Persons having religious scruples.

Exemption must be claimed.

Burden of proof.

All persons bearing Certificates from the Society of Quakers, Menonists and Tunkers, or any inhabitant of this Province, of any Religious denomination, otherwise subject to Military duty in time of Peace, but who, from the doctrines of his Religion, is averse to bearing arms and refuses personal Military Service, shall be exempt therefrom ; but exemptions under this clause shall not prevent any person from serving, or, if an Officer holding a Commission in the Militia, if he desires it and is not disabled by bodily infirmity ;—And no person shall have the benefit of such exemption, unless he has, at least one month before he claims such benefit, filed his claim thereto with his *affidavit* made before some Magistrate (or affirmation in cases where persons are allowed to affirm) of the facts on which he rests his claim, with the Clerk of the Municipality within the limits whereof he resides ;—And whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the claimant.

REGIMENTAL DIVISIONS.

Present divisions abolished.

Each County to be a Regimental division.

As to Quebec, Montreal and Toronto.

5. All Military Districts heretofore and now existing, and all divisions thereof respectively, are hereby annulled and abolished ;—And each County in this Province shall constitute a Regimental Division ; and the Commander in Chief, by any General Order, may designate the Regiment in each of such divisions by such name or number or both as he sees fit, (e. g. The first or [*name of County*] Regiment of Militia) and may, from time to time, connect one or more Counties as a Regimental Division, and vary or alter the same ; but for the purposes of this Act the City of Quebec shall be held to be in the County of Quebec, and the City of Montreal to be in the County of Hochelaga, and the City of Toronto to be in the County of York.

SERVICE MILITIA.

SERVICE ENROLMENT IN UPPER CANADA.

Mode of enrolment in U. C.

Rolls to be made by assessors yearly.

Columns for different Classes.

6. The mode of enrolment of the Militia shall, in Upper Canada, be as follows, that is to say :—the Assessor or Assessors for each Municipality in Upper Canada shall, annually, commencing with the year one thousand eight hundred and sixty-four, and at the same time when they are engaged in taking the Assessment of real and personal property in their respective Municipalities, include in their Assessment Roll, the names and residences of all male persons in their respective Municipalities, between the ages of eighteen and sixty years ; and they shall prepare three additional columns in such Assessment Roll, which shall be headed respectively "First Class Service Militia Roll," "Second Class Service

Service Militia Roll" and "Reserve Militia Roll,"—and they shall insert in the "First Class Service Militia Roll" the names of all male persons of eighteen years of age and upwards, but under forty-five years; who are unmarried men or widowers without children, and in the "Second Class Service Militia Roll," the names of all male persons of eighteen years of age and upwards but under forty-five years, who are married men or widowers with children, and in the "Reserve Militia Roll," the names of such persons as are forty-five years of age and upwards, but under sixty years; and the copy required by Law to be made of any such Assessment Roll for transmission to the County Clerk, shall contain the additions herein specified; and in addition to any oath or certificate required under the present or any future Laws of this Province, to be taken or given by such Assessor or Assessors, in respect to the Assessment Roll, there shall also be made and attached to the said Roll the following certificate signed by such Assessor or Assessors;

First class.

Second.

Reserve.

Copy transmitted to County Clerk to contain such Columns and to be certified on oath.

"I do certify that I have truly and faithfully and to the best of my knowledge, information and belief, set down, in the above Militia Rolls, the names of all male persons within the Municipality of (*as the case may be*), liable to be enrolled by the Militia Laws of this Province;" and such certificate shall be verified by him, or them, upon oath, before a Justice of the Peace.

Form.

Certificate.

Oath.

7. The Clerk of the Council of each County or Union of Counties in Upper Canada, shall, within fourteen days after the receipt by him of such Assessment Rolls, carefully compile from them the County Militia Rolls, shewing the names and residences of those on the "First Class Service Militia Roll" "Second Class Service Militia Roll" and "Reserve Militia Roll" and shall make and attach to the said Roll the following certificate to be signed by him:

County Militia Rolls to be made from Assessment Rolls and by whom: what they must show.

"I do certify that I have truly and faithfully copied from the Assessment Rolls of the several Municipalities in the County of the above Militia Rolls hereto appended."

Certificate.

And shall verify the same on oath before a Justice of the Peace; and such County Militia Roll so certified shall be by the County Clerk forthwith delivered to the Clerk of the Peace to be filed away in his office for use as hereinafter mentioned; and the Clerk of such County Council shall be paid for the same at the rate of twenty-five cents for compilation of the names and residences of every one hundred persons on the said County Militia Rolls.

By whom such Rolls shall be kept.

Fee.

8. Chapter fifty-five of the Consolidated Statutes for Upper Canada, and its several provisions, subject to those of any Act amending them, relative to Assessments, shall be applicable

Certain powers and provisions relative to assessments,

extended to the making of Militia Rolls. to the enrolment of the Militia as hereinabove mentioned, and shall, in so far as such enrolment extends, be read and deemed as part thereof, and every Assessor shall, as regards the making of the said Militia Rolls, have the same duties and powers and the same liabilities, in case of any default on his part, as he has with regard to the Assessment Rolls.

Tavern keepers &c., to give the requisite information to assessors.

9. All tavern-keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application of any Assessor, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such Assessor may demand.

SERVICE ENROLMENT IN LOWER CANADA.

Mode of enrolling Militiamen in L. C.

Rolls to be made by Assessors or Valuators.

Columns for the different classes of Militiamen.

First Class.

Second.

Reserve.

Copy transmitted to Warden to contain such Rolls.

10. The mode of enrolment of the Militia shall in Lower Canada be as follows, that is to say:—the Assessor or Assessors, Valuator or Valuators for each Municipality in Lower Canada, in which a Valuation or Assessment Roll is made in each year, shall, annually, and the Assessors or Valuators in each Municipality in Lower Canada, in which such Roll is not made annually, shall in each year after the present in which such Roll is made, commencing with the year one thousand eight hundred and sixty-four, and at the same time when they are engaged in taking the Assessment or Valuation of real and personal property in their respective Municipalities, include in their Valuation or Assessment Roll, the names and residences of all male persons in their respective Municipalities, between the ages of eighteen and sixty years; and they shall prepare three additional columns in such Valuation or Assessment Roll, which shall be headed respectively “First Class Service Militia Roll,”—and “Second Class Service Militia Roll,”—and “Reserve Militia Roll,”—and they shall insert in the “First Class Service Militia Roll” the names of all male persons of eighteen years of age and upwards, but under forty-five years, who are unmarried men and widowers without children, and in the “Second Class Service Militia Roll” the names of all persons of eighteen years of age and upwards, but under forty-five years of age, who are married men and widowers with children, and in the “Reserve Militia Roll,” the names of such persons as are forty-five years of age and upwards, but under sixty years; and the copy required by Law to be made of any such Valuation or Assessment Roll for transmission to the Warden of the County, shall contain the additions herein specified; and in addition to any oath or certificate required under the present or any future Laws of this Province, to be taken or given by such Assessor or Assessors, Valuator or Valuators in respect to the Assessment or Valuation Roll, there shall also be made and attached to the said Roll the following certificate signed by such Assessor or Assessors, Valuator or Valuators;

"I do certify that I have truly and faithfully and to the best of my knowledge, information and belief, set down in the above Militia Rolls, the names of all male persons within the Municipality of (*as the case may be*), liable to be enrolled for service by the Militia Laws of this Province;" and such certificate shall be verified by him, or them, upon oath, before a Justice of the Peace.

Certificate to be attached to such Rolls.

And attested on oath.

11. As respects any City, Town, or Village Municipality in Lower Canada, the Assessment or Valuation Roll whereof is not by law required to be delivered to the County Warden, the assessors or valutors shall deliver a true copy, certified as aforesaid, of the Militia Rolls on any such Valuation or Assessment Roll, to the Warden of the County in which the Municipality lies, within *fourteen* days after they have completed such Roll.

Rolls to be sent to County Warden from certain Municipalities in L. C.

12. In those Municipalities in Lower Canada in which the valuation or assessment is not made yearly, the assessors or valutors shall, between the first day of February and the first day of May, in each year in which such Roll is not made, make out Militia Rolls for the Municipality, containing the particulars above mentioned, and shall certify the same as above directed and transmit them to the Warden of the County in which the Municipality is situated, before the first day of June in each such year; provided always, that the Commander in Chief may, in any year, appoint any one or more officers of the Militia to make such Militia Rolls in any Parish, Township or other local Municipality in Lower Canada; And in respect of such Rolls the said assessors and valutors and each of them shall have the duties and the same powers for obtaining the requisite information, as they have with respect to the ordinary Valuation or Assessment Rolls and the Militia Rolls forming part thereof.

Provision as to Municipalities in Lower Canada where Assessment Rolls are not made yearly.

Proviso: officers of Militia may be appointed to make such Rolls.

Powers of officers making the rolls.

13. Provided always, that in all cases where the Commander in Chief shall find that a failure to make the Militia Roll for any Municipality has occurred, or sees reason to fear that such failure may occur, in any year, he may appoint one or more Officer or Officers of Militia, resident within such Municipality, to make the Militia Rolls therein for such year; and such Officer or Officers shall then have, with respect to such Rolls, all the powers and perform all the duties, and be subject to all the liabilities, which the Assessors or Valutors for such Municipality would otherwise have had or have been subject to, with respect to the same.

Proviso: Commander in Chief may cause the Militia Rolls to be made by Militia Officers in certain cases.

Their powers and duties.

14. The Secretary-Treasurer of each County Council in Lower Canada, to whom the copies of the proper Assessment, Valuation or Local Militia Rolls, shall for that purpose be forthwith, after their receipt, delivered by the County Warden, shall, within *fourteen* days after the receipt by him of such

Secretary-Treasurer to have the Rolls and make the County Roll from them.

Rolls,

Rolls, carefully compile from them the County Militia Rolls, shewing the names and residences of those on the "First Class Service Militia Roll," "Second Class Service Militia Roll" and "Reserve Roll" and shall make and attach to the said Rolls the following certificate to be signed by him :

Certificate.

" I do certify that I have truly and faithfully compiled from
" the Assessment, Valuation and Militia Rolls of the several
" Municipalities in the County of _____ the County
" Militia Rolls hereto appended."

Oath.

County Rolls to
be given to
and kept by the
Registrar.

Fee to Secre-
tary-Treasurer.

And shall verify the same on oath before a Justice of the Peace, and such County Militia Rolls, so certified, shall be by the said Secretary-Treasurer forthwith delivered to the Registrar of the County, to be filed in his office for use as aforesaid; and the Secretary-Treasurer of such County Council shall be paid for the same at the rate of twenty-five cents for the compilation of the names and residences of every one hundred persons on the said County Militia Rolls.

Provisions and
powers for
making Assess-
ment Rolls, ex-
tended to Militia
Rolls.

15. The several provisions of the Lower Canada Consolidated Municipal Act, and the Acts amending it, and the provisions of every special Act incorporating or governing any Town or City in Lower Canada, relative to Assessments or Valuations, shall be applicable to the enrolment of the Service Militia as hereinabove mentioned, and shall, in so far as such enrolment extends, be read and deemed as part thereof, and every Assessor or Valuator shall, as regards the making of the said Militia Rolls, have the same duties and powers and the same liabilities, in case of any default on his part, as he has with regard to the Assessment or Valuation Rolls.

Tavern
Keepers, &c.,
to give all ne-
cessary infor-
mation.

16. All tavern-keepers, keepers of boarding-houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application of any Assessor or Valuator, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such Assessor or Valuator may demand.

PROVISIONS APPLYING TO THE WHOLE PROVINCE.

Power to call
out the militia.

17. The Commander in Chief may call out the Militia or any part thereof for actual service, whenever it is in his opinion advisable so to do by reason of war, invasion or insurrection, or danger of any of them.

Regiments of
Militia how
composed.

Battalions of
Service Men.

18. The Militia appearing by the then last Service Militia Rolls as resident in each Regimental division shall for the time being form the Regiment of the Regimental division in which they reside;—and each Regiment shall be composed in the following manner: The first and each succeeding Service Battalion

of a Regiment shall be composed of ten Companies, and shall embrace in the whole, exclusive of the proper complement of non-commissioned Officers, the number of seven hundred and fifty Service Men; and shall be taken as hereinafter provided, in the first place: from the names on the First Class Service Roll, and when the names on the First Class Service Roll shall have been exhausted, from the names on the Second Class Service Roll, and, when those names shall have been exhausted either by organization in Battalions or by reliefs for Battalions already in existence, then recourse shall be had to the names on the Reserve Roll: Provided, that every person who may be balloted as hereinafter mentioned, shall, from the time of such ballot, and during the period for which he shall remain in an organized Service Battalion, be exempt from non-Service enrolment.

How the men to form them shall be determined.

Proviso: as to Service men balloted.

19. To each Service Battalion of any such Regiment may be appointed at such time as the Commander in Chief may think fit, a Lieutenant-Colonel, two Majors and such number of Regimental Staff Officers as may be deemed necessary, and for every Company of seventy-five men may be appointed a Captain, a Lieutenant, and an Ensign; provided always, that in such cases as the Commander in Chief may think fit, the appointment of any such Officers shall be provisional only and its confirmation contingent on proof of the qualification of such Officer as hereinafter provided.

Officers of each Battalion.

Proviso: appointment may be provisional.

20. When the Service Militia or any part thereof is called out in case of war, invasion or insurrection, or danger thereof, those taken from the Regiment for actual service shall be firstly the Battalions composed of First Class Service Men, secondly, of Second Class Service Men, and lastly the Battalions composed of Reserve Men.

Battalions of service men to be taken first for active service.

21. When the Commander in Chief calls out the Militia, and the emergency is not such as to require that the whole of the Service Militia or of any class thereof, be taken for actual service, he may from time to time direct the number of Battalions to be furnished from the Service Militia of the whole province or of any Regimental Division thereof.

When only part of the Militia is called out.

22. The Commander in Chief may, from time to time, by General Order, direct the organization of such number of Service Battalions from each Regiment of Militia as shall appear to him proper, and may direct at any time that the Ballot shall be taken in manner hereinafter provided, for the purpose of organizing such Battalion or Battalions or of filling up vacancies in any Battalion or Battalions already organized, and such order shall in every case specify the proportion of men to be furnished for each such Battalion or relief from each Township, Parish, City, Town, or Incorporated Village, having reference to the proportion of population of the same as

Commander in chief may direct the organization of Service Battalions from each Regiment.

And order what number of men shall be furnished from each place.

appearing

appearing by the last census, or in case of Municipalities incorporated since the last census to the proportion of population of such Municipality as shewn by the Militia Rolls.

Proceedings for determining by ballot what service-men shall form the several service Battalions of a Regiment.

Certain officers to attend the ballot.

23. For the purpose of organizing the Battalions hereinbefore mentioned, the Sheriff in Upper Canada, or the Registrar in Lower Canada, of the County forming such Regimental Division, shall, at some period in the year one thousand eight hundred and sixty-four, to be fixed by the order of the commander in chief, and in each third succeeding year, within twenty-one days after the completion and filing of the Militia Rolls for the County, summon the County Judge and Warden of the County in Upper Canada, or in Lower Canada, the Warden and one or more Officers of the Service Militia of the County, to be designated to him by the Commander in Chief, to meet him at the Court House at the County Town in Upper Canada,-- or in Lower Canada at the Office of the said Registrar,--and shall also forthwith summon the Clerk of the Peace of the County in Upper Canada, to attend with the County Militia Rolls as aforesaid,--for the purpose of balloting from the names appearing on the Service Rolls, or the "Reserve Roll," as the case may be, for the requisite number of men to form a Battalion or Battalions of the Regiment, as may be required by the Commander in Chief to be organized.

Battalions so organized to remain so for three years.

Provido if called out.

Provido : as to men attaining certain ages after being balloted.

Ballot in each third year from the whole number of names on the Rolls.

24. Each Battalion so organized shall be and continue so organized for a period of three years, and thence until the organization of a Battalion or Battalions in the same County in each three succeeding years, when the same shall be deemed to be disbanded, and shall be succeeded in its organization by the Battalion or Battalions to be formed by Ballot in such succeeding third year ; but in the event of the Militia being called out for actual service, any such Battalion, organized as aforesaid, shall serve for the period mentioned in the thirty-second section of this Act ; Provided that if during the period of three years for which any person shall be balloted as a First Class or Second Class Service man, he shall attain such age as would exempt him from service as a First or Second Class Service man, such exemption shall have no force or effect until after the expiration of the period of three years for which he shall have been so balloted ; And provided that any Battalion or Reliefs of Battalions subsequent to the first battalion shall continue as organized and enrolled for a period of three years from the organization and enrolment of the first Battalion, when such succeeding Battalion or Reliefs shall be deemed to be disbanded as hereinbefore mentioned as to the first Battalion, it being the intent and meaning of this Act, that a Ballot shall in the year eighteen hundred and sixty-four, and in each succeeding third year thereafter be taken from the full number of names appearing on the then Militia Rolls.

25. The Sheriff, County Judge and Warden of the said County, in Upper Canada, and the Registrar, warden and Officer or Officers of Militia designated as aforesaid in Lower Canada, shall then proceed to select from the Militia Rolls, in the order hereinbefore mentioned, the names of the requisite number of persons to form a Battalion of the Regiment of the said Regimental Division, and the selection shall be conducted in the following manner, that is to say :—

Ballot for selecting the men to compose any Battalion.

1. The name of each person appearing on the Service Rolls or Reserve Roll, as the case may be, of the said County, shall, by the Clerk of the Peace, or the Registrar of the County, be written distinctly on a piece of parchment, card or paper, as nearly as may be of the size following :—

Ballots, to be put into a box, &c., and shaken.

JOHN SMITH,
of (*designating his residence by lot, concession or range, township, parish, street, &c., as the case may be.*)

and so many of such names, as shall appear to be resident within any Township, Parish, City, Town or Incorporated Village mentioned in the order of the Commander in Chief, requiring the organization of the Battalion or relief, and in the case of a Ballot for relief excluding the names of such men as are already enrolled in service battalions, so written, shall, by the direction and care of such Sheriff or Registrar, be put together in a box or urn to be by him provided for that purpose, and such box or urn shall be shaken so as sufficiently to mix the names ; but at no time shall more than one son belonging to the same family residing in the same house, if there be two inscribed on the Militia Roll, be drawn, unless the number of names inscribed be insufficient to complete the required proportion of service men ;

2. The County Judge or Warden in Upper Canada, or the Registrar, Warden or the Militia Officers designated as aforesaid, or one of them, shall then draw out a sufficient number of names to complete the number of men specified as the proportion to be furnished to the Battalion or relief by such Township, Parish, City, Town or Incorporated Village, and each name as called out shall be transcribed by the Clerk of the Peace or the Registrar, on a Battalion or relief Roll ; and he shall specify, opposite the name of each person, his place of residence as aforesaid, and such Battalion or relief Roll shall be signed by the said Sheriff, County Judge, Warden and Clerk of the Peace in Upper Canada, or any two of them, and by the Registrar, Warden and one at least of the Militia Officers designated as aforesaid in Lower Canada, and shall by the Sheriff or Registrar be transmitted within ten days thereafter

Drawing the Ballots, and making up the Roll.

to the Adjutant General; and the Clerk of Peace or the Registrar (as the case may be) shall, on the Service Roll or Reserve Roll (as the case may be,) insert the letter B opposite the name of each person so balloted.

Same provisions to apply to formation of any other Battalion.

26. The provisions of the three preceding sections shall apply to the case of each succeeding Battalion, other than the first Battalion, required by the Commander in Chief, to be organized in any Regimental Division, and also to the case of reliefs whenever required by General Order of the Commander in Chief, to be balloted for to keep up the organization of a Battalion to its full strength as hereinbefore provided, and may also be adopted at any period in any year for the purpose of organizing any additional Battalion or Battalions of any Regiment required by General Order of the Commander in Chief; Provided that in any Ballot for each succeeding Battalion other than the first Battalion or for any Reliefs, the names of such men as have been theretofore balloted for and enrolled in an organized Battalion, shall be excluded from any Ballot taken subsequently during the period of three years hereinbefore mentioned.

Provision as to Unions of Counties.

27. In the case of a Union of Counties for Municipal and Judicial purposes, the same shall be treated as distinct for Militia purposes; but the proceedings hereinbefore provided as to ballot in a County shall be applicable to each County of the United Counties, in which said County any portion of the Militia may be organized or may be called out for actual service.

Men drafted must serve or find a substitute.

28. No man of any Regiment of Service Militia shall be exempt from actual service when called out, unless exempt by this Act or unless he forthwith provides an approved man of the same class, who may not have been balloted and who is willing to serve as a substitute, and any substitute by his consent to act as such, shall become liable in all respects as if balloted.

Infirm persons exempted.

29. No man unfit from bodily infirmity to perform his duty, shall be obliged to serve.

Mode of notifying the men balloted when the Battalion is called out.

30. Whenever such may be deemed requisite and so ordered by the Commander in Chief, the Service Battalion or Battalions so organized as hereinbefore mentioned, shall, by the Officer appointed to command them, be warned by a notice to be served at the last known place of abode of each person so balloted as before provided, to attend on a day and place to be stated in such notice for muster and inspection according to such regulations as the Commander in Chief may prescribe by General Order for that purpose; and whenever the Militia or any Service Battalion shall be called out for actual service, each such Battalion so called out shall be warned as aforesaid and shall

Men to be warned and marched to the place appointed for their organization.

shall attend forthwith at some place and shall be marched to such place as the Commander in Chief may appoint, and shall there be organized for service, in such manner as the Commander in Chief may direct, and shall be commanded by such Officers as from their qualification and fitness he thinks proper to appoint, such Officers to be taken in preference from the Regimental Division so far as a sufficient number of persons duly qualified can be found therein.

Officers.

31. The Service Militia or any Battalion or Company, thereof, may at any time in each year, be called out by General Order of the Commander in Chief for drill or instruction within each Regimental Division, for a period not exceeding six days, under and pursuant to such rules and regulations in that behalf, as may be prescribed in any such General Order, and each non-commissioned officer and man, shall be paid for each day's actual and *bonâ fide* drill as aforesaid, the sum of fifty cents.

Service Militia may be called out for six days drill.

32. The Service Militia or such Battalion or Battalions shall from time to time be called out for actual service, shall serve during three years computed from the date of the order by which they shall have been called out for actual service, unless sooner disbanded, and may then be replaced by others to be called out in the manner hereinbefore specified, and shall not be liable to be again called out until all others in the same class have been taken.

Term of service of enrolled men.

33. The Militia, so called out, may be marched to any part of the Province, or to any place without the Province but conterminous therewith, where the enemy is, and from which an attack on this Province is apprehended.

To what places may be marched.

34. The Militia, when organized and enrolled, and every Officer or man belonging to it, shall be subject to the Queen's regulations and orders for the army, and shall, from the time of being called out for actual service, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that the Commander in Chief may direct that any provisions of the said laws or regulations shall not apply to the Militia.

Militia called out to be subject to Queen's Regulations and to articles of war when on active service.

Exception.

Exception.

35. No Officer, non-commissioned Officer or private in the Militia, shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—And no sentence of any General Court Martial shall be carried into effect until approved by the Commander in Chief.

For what offences only Militiamen may be sentenced to death.

Sentence must be first approved.

Officer of regular Army on full pay not to sit, &c.

36. No Officer of Her Majesty's regular Army on full pay shall sit on any Militia Court Martial.

OFFICERS.

Commission, by whom granted.
Officers must be Her Majesty's subjects.

37. All Commissions of Officers in the Militia shall be granted by the Commander in Chief and during pleasure; no person shall be an Officer of Militia unless he is one of Her Majesty's subjects by birth or naturalization; and every Officer shall, on receiving his Commission or as soon afterwards as may be, take the oath following:

To take an oath of fidelity.

"I, A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty in Canada, for the defence of the same against all Her enemies and opposers whatsoever"

and the name of the successor of Her Majesty Queen Victoria, for the time being, shall be substituted as occasion may require, and the oath shall be administered by a Justice of the Peace of the County in which the Officer resides.

Officers' arms and uniform, &c.

38. Commissioned Officers of the Militia shall furnish their own uniform, arms and accoutrements.

Existing Commissions continued, until cancelled, &c.

39. Commissions in the Militia, existing immediately before the passing of this Act, shall remain in force, the same being nevertheless subject to be cancelled by the Commander in Chief; and shall be deemed to constitute such officers as belonging to the Regimental division in which they respectively reside; and all officers of the Militia to be hereafter appointed shall be designated in their commission as officers of the Regimental Division, unless specially appointed to Battalions;—But no person shall be bound to serve in the Militia in a lower grade than he has once held, unless he has resigned his commission or is reduced by sentence or order of some lawful Court or authority;—Provided that no future appointment to rank in the Militia shall be higher in time of peace than Lieutenant-Colonel.

No person bound to serve in a lower grade than he has held.

Proviso: no rank above Lieut. Colonel, in peace.

Colonels when militia is called out.

40. The Commander in Chief may, whenever the Militia is called out, and the exigencies of the service so require, appoint Colonels in the same.

Respective rank of officers in militia and H. M. army.

41. Officers of Her Majesty's Army shall always be reckoned senior to all Officers of the Militia of the same rank, whatever be the dates of their respective commissions;—And Colonels appointed by Commission signed by the Officer Commanding Her Majesty's Forces in Canada, shall command Colonels of Militia, whenever hereafter appointed, (except the Adjutant General of the Militia), whatever be the dates of their respective Commissions.

42. After the passing of this Act, no officer of the Service Militia shall be appointed or promoted except provisionally until he shall have satisfactorily passed through the school of military instruction hereinafter referred to, and received a certificate thereof, or until he shall have satisfactorily passed an examination before the Board hereinafter mentioned and received a certificate thereof.

Officer to pass School of Instruction or an examination before appointment or promotion.

43. The Commander in Chief may, by General Order, from time to time, appoint a Board or Boards, to be constituted of three or more Officers of the Militia, of whom one shall be a Field Officer, and to be held at such place as is therein specified, to examine any such Officers of the Militia as may desire to have investigated their knowledge of and proficiency in drill and military duties generally; and upon any such examination, the said Board or Boards shall report the result thereof to the Commander in Chief, and shall, after the approval thereof by him, deliver to any such Officer, as may have satisfactorily passed such examination, a certificate thereof, which said certificate shall be recorded in a book to be kept for that purpose in the Office of the Adjutant General of Militia; and the certificate thereafter delivered to the Officer so examined, and the fact of such examination and certificate shall be notified in General Orders.

Boards to be constituted for the examination of officers.

Certificate if found qualified.

44. The Commander in Chief shall have full power to appoint to the office of Adjutant General of Militia an officer who has been educated to the military profession, and thoroughly competent to the satisfaction of the Commander in Chief to discharge the duties of the said office of Adjutant General; and the duties of Adjutant General, during the vacancy of the office, shall be performed by the Deputies Adjutant General for Upper and Lower Canada respectively, under orders from time to time of the Commander in Chief, or by such Officer as may be appointed by the Commander in Chief on any occasion for the special and temporary discharge of any such duties.

Adjutant General may be appointed.

Deputy to perform duties in case of vacancy.

45. The Adjutant General, when appointed as aforesaid, shall act as such for the whole Province, and shall have the rank of Colonel in the Militia, and as such be the Senior Officer of the Militia, and shall be paid by the Province at the rate of three thousand dollars per annum, and allowances while discharging the duties of his office.

Pay of Adjutant General.

46. There shall be a Deputy Adjutant General for Upper Canada, and a Deputy Adjutant General for Lower Canada; and each of them shall have the rank of Lieutenant-Colonel in the Militia, and shall hold his Office during pleasure; and each of the said Officers shall be paid by the Province at the rate of two thousand dollars, per annum.

Deputy Adjutants General.

Their pay.

Regimental Staff officers and an Assistant Quarter Master General.

Duties.

47. The Commander in Chief may appoint in and for each Regimental Division such staff Officers as may in his opinion be requisite and also an Assistant Quarter Master General of Militia, whose duty it shall be to make himself thoroughly acquainted with the roads and communications and other matters appertaining to the topography of his Regimental Division, and to furnish such information on the subject as may be required by the Commander in Chief, in which duty the Officers of the Companies of Volunteer Engineers shall assist him with the local information they acquire.

Non-commissioned officers.

As to those who have been in H. M. service.

48. All non-commissioned officers in the Militia shall be appointed by the officer commanding the Corps to which they belong,—and shall hold their rank during pleasure, and any person who has been a non-commissioned officer in Her Majesty's service, shall not be bound to serve in the Militia in a lower grade than he held in Her Majesty's service, unless he had, at the time of leaving Her Majesty's service, been reduced from such grade.

Pay of Militia called out for active service.

49. Whenever the Militia or any part thereof shall be called out by reason of war, invasion, insurrection or imminent danger thereof, the officers, non-commissioned officers and men of the Militia, so called out for Actual Service, shall be paid at such rates of daily pay, and shall receive such allowances in every respect, as are paid and allowed to officers and men of the relative and corresponding rank or grade in Her Majesty's Service.

CORPS FOR GENERAL SERVICE.

Raising Regiments in time of war.

50. The Commander in Chief may, in the event of war, raise, in addition to the Militia, regiments of Militia by voluntary enlistment for General Service, during such war, and for a reasonable time after its termination; such regiments to be subject to the provisions of this Act.

DRILL ASSOCIATIONS.

Certain associations may be organized but not clothed or paid.

51. The Commander in Chief, if he thinks fit may sanction the organization of associations for purposes of Drill and of independent Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, or of Militia Officers, or of men on the Militia Rolls, or of such other persons as he may see fit, but such Associations or Companies shall not be provided with any clothing or allowance therefor.

SCHOOL OF MILITARY INSTRUCTION.

School of Instruction may

52. For the purpose of enabling Officers of Militia or candidates for commissions or promotion in the Militia to perfect

perfect themselves in a knowledge of their military duties, drill and discipline, the Commander in Chief may establish a School of Military Instruction in each section of the Province, and for that purpose may enter into arrangements with the Officer Commanding Her Majesty's Forces in British North America, for the best means of effecting the same in connection with any Regiment or Regiments of Her Majesty's Forces; and may make all necessary Rules and Regulations, and as to the terms upon which such instruction may be compensated for, and generally for the advancement of Military Education amongst the Officers and Candidates for Commissions as aforesaid.

to be established in each section of the province.

Commander in chief may make regulations.

53. The Commander in Chief shall from time to time, and from among the applicants for such purpose, select such persons in each section of the Province as he may think fit for the purpose of attending such school of Military Instruction and if necessary remove the same; and shall by General Order prescribe the allowances to be paid to such persons during their stay at the same, and the period for which they shall undergo such instruction.

May select the pupils and fix the allowance to be made to them.

54. Every person who shall have entered upon the course of Military Instruction as hereinbefore provided, shall thereupon and thenceforth and for the period prescribed in such General Order and upon his signing a Roll of Entry for such instruction, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's Troops are subject.

Such pupils to be subject to Queen's Regulations, Articles of War, &c.

55. In any appropriation of moneys for Militia purposes, there shall be set apart a sum not less than one hundred thousand dollars for the purposes of carrying into effect the provisions of the three preceding clauses, to be accounted for as hereinafter required.

Appropriation for such school.

DEPARTMENT OF MILITIA AFFAIRS.

56. There shall be a Minister of Militia, who shall be appointed from among the heads of the Public Departments, and who shall be charged with the administration of Militia Affairs, and of the ordnance, ammunition, arms, armories and other stores and provisions and habiliments of war belonging to the Province.

Minister of militia and his duties.

NON SERVICE MILITIA.

NON SERVICE ENROLMENT.

57. The organisation existing at the time of the passing of this Act and known as the Sedentary Militia, shall be and continue

Non-Service militia,—what.

continue hereunder and known and designated as the Non Service Militia ; but so soon as any Non-Service Militiaman shall be balloted for and enrolled in an organized Service Battalion under the provisions hereinbefore contained, he shall be from thence and so long as he continues so enrolled, exempt from being a Non-Service Militiaman.

- Enrolment only required of Non-Service men in time of peace.** **58.** In time of peace, no actual service or drill shall be required of the Non-Service Militia, but they shall be carefully enrolled from time to time ;—And those of the first class and second class Service Men not exempted from muster, shall also assemble for muster annually, at such place and hour, in such manner and for such purposes, as the Commanding Officer of each battalion may direct with respect to each company therein ; the muster day being in Lower Canada the twenty-ninth of June, or if that day fall on a Sunday, then the next day thereafter ;—and in Upper Canada the Queen's Birthday, or if that day fall on a Sunday, then the day next thereafter ;
- Annual muster.**
- Muster days.**
- Exception.** 2. Except that the Commander in Chief may, in his discretion, direct that the annual Muster day of Non Service Militia in each Regimental Division, be the twenty-ninth day of June.
- Commander in chief may dispense with muster.** **59.** The Commander in Chief may, by any Militia General Order, dispense with the annual general muster of the Non Service Militia or any part thereof in either Section of the Province, either in any particular year or until further order, and may in like manner again direct such muster to be held, if he sees fit ;—and any such order shall have the force of law according to the terms thereof.
- Regimental and Battalion divisions.** **60.** The Commander in Chief may, from time to time, by any Militia General Order, divide the Regimental divisions into Battalion divisions, and may designate such divisions by such names or numbers as he sees fit, but until any such General Order, all Battalion divisions within each County, shall remain as heretofore and now established.
- Battalions and Regiments how formed.** **61.** The Militia resident in each Battalion division shall form a Battalion of the Regiment of the Regimental division in which it lies ;—and all the Battalions in any Regimental division shall form the Regiment thereof.
- Field and Staff Officers.** **62.** To each Battalion a Lieutenant Colonel, and such number of Majors and Regimental Staff Officers, may be appointed as may be deemed necessary.
- Company divisions, how formed.** **63.** Each Lieutenant Colonel shall, from time to time, divide his Battalion Division into Company divisions, each containing as nearly as may be conveniently practicable, not less than fifty nor more than seventy-five resident Service men ;—And the Militia resident within each Company division shall form a Company of the Battalion.

64. All Officers at the time of the passing of this Act holding Commissions in any Battalion of Militia shall retain the same during pleasure, and from time to time there may be appointed of Commissioned Officers, a Captain, a Lieutenant, and an Ensign; and of non-Commissioned Officers, three Sergeants and three Corporals.

Commissioned and non-commissioned officers.

65. The Commander in Chief may appoint to all Militia Battalions, the proper number of Surgeons and Assistant Surgeons.

Surgeons, &c.

66. The enrolment of the non service Militia shall be made in each Company division by the Captain thereof, with the assistance of the Officers and non-commissioned Officers of the Company;—And it shall be the duty of the Captain, and, under his orders, of the other Officers and non-commissioned Officers of the Company, by actual enquiry at each house in the Company division, and by every other means in their power, to make and keep at all times a correct Roll of the Company in such form as may be directed by the Adjutant General.

Enrolment how made.

Duty of officers as to the Roll.

67. Each man liable under this Act for non service enrolment in any Company, and not so enrolled, shall give in his name, age and place of residence, in writing, to the Officer commanding such Company, within twenty days after he becomes so liable, whether by the alteration of any Militia division, change of residence, or otherwise howsoever.

Militiamen bound to give in their names.

68. Each Officer commanding a Company of the non service Militia shall, within twenty days after the annual muster day for such Company, make out a corrected Roll thereof, and transmit a certified copy thereof to the Officer commanding the Battalion, who, within forty days after such muster, shall forward a correct Return of the Battalion under his command to the Adjutant General at Head Quarters;—And the Commander in Chief, may, whenever he deems it necessary, order that a corrected roll of every such Company of the Militia be made out; and it shall be the duty of every Officer commanding a Company, within ten days after such order has been received, to make out such corrected Roll and to cause a copy thereof to be transmitted as provided by the foregoing provisions of this section.

Rolls of Companies to be made yearly.

Returns of battalions.

Corrected rolls may be required.

BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &c., FOR THEIR TRANSPORT AND USE.

69. When the Troops of Her Majesty's Service or the Militia or any part thereof are on a march within this Province, and billeted as hereinafter mentioned, every householder therein shall, when required, furnish them with house-room,

What shall be furnished by those on whom they are billeted.

Impressing
carriages, &c.,
on emergency.

room, fire and utensils for cooking, and candles;—And in cases of emergency, by actual invasion or otherwise, the Officer commanding the Regiment, Battalion or Detachment of Troops or Militia, may direct and empower any Officer or non-commissioned Officer of the same, or other person, after having first obtained a warrant for such purpose from a Justice of the Peace, to impress and take such horses, carriages or oxen as the service may require, the use of which shall be thereafter paid for at the usual rate of hire for such horses, carriages or oxen.

Justice of the
Peace to billet
on requisition
of Command-
ing Officer.

70. When the said Troops of Her Majesty, or the Militia or any part thereof, or any Regiment, Battalion, or Detachment of the same, are on a march as aforesaid, the officer or non-commissioned Officer commanding them shall require a Justice of the Peace to billet, and such Justice shall immediately thereupon so billet the said Troops or Militia as to facilitate their march, and in such manner as may be most commodious to the inhabitants;—And every inhabitant householder shall receive the Troops or Militia so billeted upon him, and furnish them with the lodging and articles mentioned in the next preceding section.

Lodging of
Officers not to
be paid for.

71. No Officer shall be obliged to pay for his lodging where he is regularly billeted; but each householder upon whom such soldiers are billeted shall receive from Government for each non-commissioned Officer, Drummer and Private of Infantry, a daily rate of ten cents, and for each cavalry soldier, whose horse shall be also provided with stabling and forage, a daily rate of twenty-five cents; And every Officer or non-commissioned Officer to whom it belongs to receive, or who does actually receive the pay for any officers or soldiers, shall, every four days, or before they quit their quarters if they do not remain so long as four days, settle the just demands of all householders, victuallers, or other persons upon whom such officers and soldiers are billeted, out of their pay and subsistence money, before any part of the said pay and subsistence money shall be distributed to them respectively, provided such demands do not exceed in amount their pay and subsistence money for the time, beyond which credit is not to be granted.

Allowance for
men billeted.

Proper Officer
to settle ac-
counts of Offi-
cers and sol-
diers out of
their pay, &c.

Quartering
and billeting
troops, &c., in
cantonments.

72. When the safety of this Province requires that the said Troops of Her Majesty or Militia, or any Regiment, Battalion or Detachment of the same should be cantoned in any part of this Province, any Justice of the Peace in the places where such Troops or Militia are cantoned, shall, upon receiving an order from the Officer commanding them, or on a requisition from the Officer commanding any such cantonment, quarter and billet the Officers, non-commissioned Officers, Drummers and Privates of the said Troops or Militia, upon the several inhabitant householders, as near as may be to the place of cantonment, avoiding as much as possible to incommode the
said

said inhabitants, and taking due care to accommodate the said Troops or Militia.

73. If any inhabitant considers himself aggrieved by having a greater number of the said Troops or Militia billeted upon him than he ought to bear in proportion to his neighbours, then on complaint being made to two or more Justices of the locality where such Troops or Militia are cantoned, they may relieve such inhabitant, by ordering such and so many of the said Troops or Militia to be removed and quartered upon such other person or persons as they see cause, and such other person or persons shall receive such Troops or Militia accordingly.

Complaint of persons aggrieved, and how redressed.

74. No Justice of the Peace having any Military Office or Commission in the said Troops or Militia, shall directly or indirectly be concerned in the quartering or billeting of any Officer, non-commissioned Officer, or Soldier of the Regiment, Corps or Detachment under the immediate command of such Justice or Justices.

No Justice, being an Officer to billet or quarter troops.

75. Nothing in this Act contained shall be construed to authorize the quartering or billeting of any Troops or Militia either on a march or in cantonment, in any Convent or Nunnery of any Religious Order of Females, or to oblige any such Religious Order to receive such Troops or Militia, or to furnish them with lodging or house room.

Troops not to be billeted upon Nuns, &c.

76. When any Troops of Her Majesty or any Militia are so cantoned as aforesaid, any Justice of the Peace where such cantonment is made, upon receiving an order to that effect from the Officer commanding the said Troops or Militia, or a requisition in writing from the Officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said Troops or Militia,—shall issue his Warrant to such person or persons as are possessed of carriages, horses or oxen, within his jurisdiction, requiring him or them to furnish the same for the service aforesaid, and if any person, after receiving such Warrant, refuses to furnish the same, they may be impressed and taken for such service;—But no such carriage, horse or ox, or any carriage, horse or ox mentioned in the previous sections of this Act, shall be compelled to proceed more than thirty miles, unless in cases where other carriages, horses or oxen cannot immediately be had to replace them; and such carriages, horses or oxen shall be paid for at the usual rate of hire.

Justice may require persons to furnish carriages, &c., for troops.

May be impressed on refusal to furnish.

Limitation of travel.

How paid for.

77. In cases of emergency, when it is necessary to provide proper and speedy means for the conveyance by railway or by water of the Troops of Her Majesty or of the Militia, and also of their ammunition, stores, provisions and baggage,—any Justice of the Peace of and in the locality where such Troops or Militia

In case of emergency boats, &c., may be required in like manner.

are either on a march or in cantonment, upon receiving a requisition in writing from the Officer commanding such Troops or Militia, for such railway cars and engines, boats or other craft, as are requisite for the conveyance of the said Troops or Militia, and their ammunition, stores, provisions and baggage,—shall issue his warrant to such person or persons as are possessed of such railway cars and engines, boats or other craft within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such railway cars and engines, boats or other craft;—And if any such person neglects or refuses, after receiving such warrant, to furnish such railway cars or engines or boats or other craft for that service, such railway cars or engines, boats or other craft may be impressed and taken for such service;—But nothing herein shall impair the effect of any Act obliging any Railway Company to convey such Troops, Militia, and other articles aforesaid, in any manner or on any terms and conditions therein mentioned, or to release any such Company from any obligation or penalty thereby imposed.

Rate of pay for the same.

May be impressed on refusal to furnish.

As to Railway Companies.

OFFENCES AND PENALTIES.

Unlawfully retaining moneys belonging to militiamen to be a misdemeanor.

Offender reduced to the ranks.

78. Any Officer or non-Commissioned Officer appointed or to be appointed to the Militia, who obtains under false pretences or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any moneys belonging to any non-commissioned officer or private of any Corps, or moneys of any kind for Militia Services, shall be guilty of a misdemeanor, and shall be reduced to the ranks of the Militia.

Sheriffs and other Officers refusing to perform their duties under this Act to be liable to a penalty.

79. Any Sheriff, Warden, Registrar, Assessor, Valuator, Clerk of a County Council in Upper Canada, Secretary-Treasurer of a County Council in Lower Canada, Clerk of the Peace, or Militia Officer designated by the Commander in Chief for making the Militia Rolls, refusing or neglecting to perform the duties hereinbefore required of him, shall be liable, on conviction, to a penalty not exceeding fifty dollars.

False swearing to be perjury.

80. Any person making an Affidavit or Declaration required in and by this Act, and swearing or declaring falsely therein, shall be guilty of perjury.

Refusal to make rolls, &c.

81. Any person refusing or neglecting to make or transmit, as herein prescribed, any Militia roll or return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such roll, return, or copy, shall thereby incur a penalty of one hundred dollars for each offence.

Punishment of persons refusing information to any as-

82. Any person of whom information is required by any Assessor or Valuator or Militia Officer making any Militia Roll,

Roll,

Roll, in order to enable him to comply with the provisions of this Act, refusing to give such information or giving false information, shall forfeit and pay a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated, and every person refusing to give his own name and proper information, when applied to as aforesaid, or giving a false name or information, shall forfeit and pay a penalty not exceeding twenty dollars.

83. Any person whomsoever refusing or neglecting to give any notice or information necessary under this Act, shall thereby incur a penalty of twenty dollars for each offence.

84. Any officer, non-commissioned officer or man who neglects or refuses to attend any muster or inspection or parade at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning the same, shall thereby incur a penalty not exceeding five dollars for each offence.

85. Any person who interrupts or hinders any of the Militia at muster or inspection or parade, or trespasses on the bounds set out by the proper officer for the same, shall thereby incur a penalty not exceeding ten dollars for each offence, and may be taken into custody and detained by any person by the order of the Commanding Officer, until such muster or inspection or parade be over for the day.

86. Any officer, non-commissioned officer or man of the Militia disobeying any lawful order of his superior officer, or guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty not exceeding ten dollars for each offence.

87. Any officer, non-commissioned officer or man of the Militia who fails to keep any arms or accoutrements delivered or entrusted to him in proper order, or who appears at muster or inspection or parade, or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty not exceeding five dollars for each such offence.

88. Any officer, non-commissioned officer or man of the Militia, who, without the consent of his Commanding Officer, sells or disposes of any horse which has been drilled for the purposes of the Militia, or which he has undertaken to furnish for such purposes, and which has been approved by the Commanding Officer, shall thereby incur a penalty not exceeding thirty dollars for each offence.

Unlawfully disposing of arms, &c.

89. Any person who unlawfully disposes of or removes any clothing, arms, accoutrements or other articles belonging to the Crown, or who refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause, (the proof of which shall lie upon him) shall thereby incur a penalty of ten dollars for each offence;—
 But this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid;—
 And any person charged with any act subjecting him to the penalty imposed by this section may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave the Province, carrying any such clothing, arms, accoutrements or articles with him.

Not to prevent indictment.

Arrest of offender about to leave the Province.

Militia refusing to turn out in aid of civil power.

90. Any Officer, non-commissioned officer or private of Militia who, refuses or neglects to obey any lawful order of his superior officer or of any magistrate, shall thereby incur a penalty of twenty dollars for each offence.

Refusing to receive Militia billeted.

91. Any inhabitant householder who refuses or neglects to receive any Troops or Militia billeted upon him or to furnish them with the lodging and articles which he is by this Act required to furnish, shall thereby incur a penalty not exceeding ten dollars for each offence.

Refusing to furnish carriages, &c., when lawfully required.

92. Any person lawfully required under this Act to furnish any carriage, horse or ox, for the conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding ten dollars for each such offence.

Or any car, engine, boat or craft.

93. Any person lawfully required under this Act to furnish any railway car or engine, boat or other craft, for the conveyance or use of any Troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding four hundred dollars for each such offence.

Contravening this Act, where no other penalty is provided.

94. Any person who, while the Militia is not called out for actual service, wilfully contravenes any enactment of this Act or any regulation or order lawfully made or given under it, when no other penalty is imposed for such contravention, shall thereby incur a penalty not exceeding ten dollars for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such; and in such cases courts martial shall not be held.

No Courts martial in such cases.

Penalties under this act how recoverable.

95. All penalties incurred under this Act shall be recoverable, with costs, on the evidence of one credible witness, on complaint or information before one Justice of the Peace if the amount

do not exceed ten dollars and before two Justices of the Peace if the amount exceeds that sum;—And any officer, non-commissioned officer or private of the Militia shall be a competent witness in any such case. Witnesses.

96. And in case of non payment of the penalty immediately after conviction, it shall be lawful for the convicting Justice or Justices to commit the person so convicted and making default in payment of such penalty and costs to the common Gaol of the judicial district, territorial division or locality in and for which the said Justice or Justices is or are then acting, or to some house of correction or lock-up house situate therein, for a period of not less than ten days when the penalty does not exceed twenty dollars, and for a period of not less than twenty days nor more than thirty days when it exceeds the last mentioned sum. Imprisonment in case of non-payment.

97. No prosecution against an Officer of Provincial Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant or Deputy Adjutant General;—And no such prosecution against any non-commissioned officer or private of the Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Corps to which such non-commissioned officer or private belongs;—But the Adjutant or Deputy Adjutant General may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant or Deputy Adjutant General. On whose complaint penalties may be sued for.
Evidence of authority to sue.

98. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession clothing, arms or accoutrements delivered to the Militia; and no prosecution against any person named in the seventy-ninth section of this Act or against any Municipal Officer for any penalty under this Act, shall be brought except upon an order to that effect by or from the Minister of Militia. Limitation of time for such prosecutions.

99. The penalty when recovered shall forthwith be transmitted to the Adjutant General, who shall account for and pay it over to the Receiver General as part of the Consolidated Revenue Fund. Application of penalties.

MISCELLANEOUS PROVISIONS.

100. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required, that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order. Orders and notices need not be in writing, if given in person.

General Orders
how notified.

101. All General Orders of Militia, or other Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*,—And a copy of the said Gazette purporting to contain them shall be *prima facie* evidence of such orders.

Evidence.

Regimental or
Battalion Or-
ders, how no-
tified.

102. All Orders made by the Officer Commanding a Corps shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some newspaper published in the locality, or, if there be none, then by posting a copy thereof on the door of the church or of some court-house, mill, or other most public place, in the Regimental Division.

Evidence of
commissions,
warrants, &c.

103. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order.

Bonds entered
into, in pur-
sue of this
Act, to be
valid.

104. Every bond to the Crown entered into by any person under the authority of this Act, or according to any General Order or Regulations made under it, or for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, before any Judge or Justice of the Peace, or officer therein authorized to take the same, shall be valid and may be estreated or enforced accordingly.

Sums of mo-
ney payable to
the Crown
under this Act,
how recover-
able.

105. Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for purposes of the Militia, shall be a debt due to the Crown, and may be recovered in any manner in which such debts may be recovered.

Protection of
Officers, &c., in
pursue of
this Act.

106. Every action and prosecution against any Officer or person, for any thing done in pursuance of this Act, shall be laid and tried in Lower Canada in the district, and in Upper Canada in the county, where the act complained of was done, and shall not be commenced after the end of six months from the doing of such act, nor until one month's notice in writing of the action and of the cause thereof has been given to the defendant;—And in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial;—And no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought.

107. If a verdict passes for the defendant in any action referred to in the next preceding section, or the plaintiff becomes non-suit or discontinues the action after issue joined, or if on demurrer or otherwise judgment is given against the plaintiff,—the defendant shall recover his full costs as between attorney and client, and shall have the same remedy therefor as any defendant hath in other cases ;—And though a verdict is given for the plaintiff, he shall not have costs against the defendant, unless the Judge before whom the trial has been had certifies his approbation of the action and the verdict therein.

If plaintiff be non-suit, &c.

108. All sums of money required to defray any expense authorized by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Governor to the Receiver General; and such warrants may be made in favour of the Adjutant-General of the Militia, to enable him to pay such expense, or in favour of the party directly entitled to the money; But no sum of money shall be so paid out of the Consolidated Revenue Fund until first approved of by resolution of the Legislative Assembly in the annual estimates.

Payment of moneys under this Act.

Proviso.

109. A detailed account of all moneys advanced or expended under this Act shall be laid before each Branch of the Provincial Parliament within fifteen days after the opening of the then next session thereof.

Accounting to Parliament.

110. The thirty-fifth chapter of the Consolidated Statutes of Canada and the Act twenty-fifth Victoria, chapter one, are hereby repealed;—Except that all offences heretofore committed against the said Consolidated Statute, may be prosecuted and punished under the same, which shall remain in force as to such offences.

Repeal of former Acts.

Exception.

C A P. I I I.

An Act respecting the Volunteer Militia Force.

[Assented to 15th October, 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 shall, by virtue of his Office, be Commander in Chief of the Canadian Volunteer Militia Force.

Governor to be Commander in Chief.

2. The Commander in Chief may raise, organize, arm, uniform and equip a Volunteer Militia Force to serve within the Province for the defence of the same in case of need, and in aid of the civil power as hereinafter mentioned; and such force shall consist of not more than thirty-five thousand men, exclusive

He may raise a Volunteer Force not exceeding 35,000 men.

May call out
Volunteers.

exclusive of Commissioned Officers; and the Commander in Chief may call out the Volunteers or any part thereof for actual service, whenever it is in his opinion advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them; Provided that the several Corps of Volunteers organized and gazetted prior to the passing of this Act, shall be and continue as if organized and gazetted under this Act, and shall constitute part of the Volunteer Force before mentioned.

Present corps
continued.

Commissioned
officers to take
oath.

3. Every Officer shall, on receiving his commission, and every Volunteer shall, on his enrolment in the Muster Roll of his Corps, or in either case as soon afterwards as may be, take the oath following:

The oath.

“I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in Canada, for the defence of the same against all Her enemies and opposers whatsoever, according to the conditions of my service;” and the name of the successor of Her Majesty Queen Victoria, for the time being, shall be substituted as occasion may require, and the oath shall be administered by a Justice of the Peace of the County to which the Corps belongs or by an Officer of the Corps who has taken such oath.

Before whom
to be taken.

Of what corps
Volunteers may
consist, &c.

4. The Volunteers may consist of Troops of Cavalry, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, and Battalions or Companies of Rifles and of Infantry, and Naval Companies, to be armed and equipped according to their respective services, and to be formed at such places and in such manner as may from time to time be ordered by the Commander in Chief; Provided that in Cities, no number of men shall be accepted or gazetted as Volunteer Militia, unless and until they are sufficient in number to be formed into a Battalion under the provisions of the seventh section of this Act.

Proviso: as
to cities.

Power to dis-
band Volun-
teers.

5. All Companies or Battalions of Volunteers shall be formed and may be disbanded by authority of the Commander in Chief, as may in his opinion best tend to further the purposes of this Act and the public good.

Force of Volun-
teer companies
respectively,
Cavalry and
Infantry, &c.

6. Each Troop of Cavalry, Military Train, Garrison Battery of Artillery, Company of Engineers, or Rifles, or Infantry, shall consist, according to its respective service, of a Captain, a Lieutenant, a Cornet, Second Lieutenant or Ensign, three Serjeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-eight Privates, except in cases where the Commander in Chief may specially sanction a greater number of Privates not exceeding seventy-five:

2. Each field Battery of Artillery shall consist of a Captain, Artillery-
four first Lieutenants, a Second Lieutenant, a Serjeant Major,
four Serjeants, four Corporals, four Bombardiers, a Trum-
peter, a Farrier, fifty-nine Gunners and Drivers, including
Wheelers, Collarmaker and Shoeing-smith, forty-five horses,
exclusive of Officers' horses, and of four spare horses when the
Battery is called into actual service.

3. Each Naval Company shall consist of one Captain and Naval compa-
such other officers and such number of seamen not exceeding nies.
seventy-five, as may be appointed by the Commander in
Chief, and may be armed in such manner as the Commander
in Chief directs, and may be trained and drilled as well to
the use of small arms, as in the management of gun-boats and
vessels, and the working of great guns on board vessels; and
the Captain shall have power to appoint such Warrant and
Petty Officers as may be authorized by the Commander in
Chief.

7. The Commander in Chief may constitute any number of Companies of
Companies of the Volunteers at any one locality, not being less Volunteers may
than six or more than ten Companies of the same arm of be formed into
the service, into a Battalion, and may assign or appoint Battalions.
thereto, a Lieutenant-Colonel, two Majors, one Adjutant, one
Pay-Master, one Quarter-Master, one Surgeon and one As-
sistant Surgeon, and, may also, where no greater number Provisional
than four Companies of the Volunteers are organized in Battalions.
any one locality, constitute the same into a Provisional
Battalion and appoint thereto a Major and Adjutant, and
the rank and authority of the several Officers hereinbefore
mentioned, shall be the same as in the relative positions in Her
Majesty's service;—And such Battalions shall be subject to Queen's regu-
the Queen's Regulations for the Army published by authority, lations to apply
in so far as the same are not inconsistent with the provisions where not in-
of the Militia Laws of this Province, or with any General Order consistent with
from time to time to be issued by the Commander in Chief; this Act, &c.
and any such Lieutenant-Colonel of a Battalion or Major of a Staff Sergeants.
Provisional Battalion shall have authority to appoint the usual
number of Staff Sergeants for his Battalion; but in case, at Different arms
any one locality there are no sufficient number of Garrison may be united
Batteries of Artillery, or of Companies of Rifles or of Infantry for Battalion
as hereinbefore required to constitute a Battalion of such drill only.
arm of the service, the Commander in Chief may attach, but for
purposes of Battalion drill only, any one or more Companies
of whatever arm of the service hereinbefore mentioned, to the
senior Company of whatever other arm of the service in the
locality, and the same shall be commanded on all Battalion Who to com-
parades, by the Officer of Volunteers belonging to any one mand.
of the Companies so attached, highest in rank then present,
and in uniform.

Uniforms for Volunteers to be supplied to the men by the Province.

How replaced.

How distributed.

Governor may make special regulations.

Proviso.

Arms to be furnished by the province ;

Where to be kept where no armouries.

Allowance for keeping.

Arms not to be removed except under regulations.

Officers and men to remain responsible for uniform and arms ;

Notwithstanding repeal of former Acts.

8. Such of the several Corps of Volunteers heretofore or hereafter to be organized, as may, for that purpose, be named and specified in any General Order by the Commander in Chief, shall be supplied by the Province with uniform clothing of such one and similar colour, pattern and design, as may be ordered by the Commander in Chief, for each arm of the service designated in the fourth section of this Act ; and if necessary, such uniform clothing may be replaced in every successive period of five years from the original issue ; and the said uniform clothing shall be delivered to the Officer commanding the Corps, to be by him delivered to the non-commissioned officers and privates, on such conditions and upon such security as the Commander in Chief may direct ; And the Commander in Chief may, from time to time, by General Order, make such rules or regulations in respect to the uniform clothing as he may think necessary or expedient ; but nothing herein contained shall prevent the re-supplying of clothing within the period aforesaid in such special cases as may appear to the Commander in Chief to require it.

9. The several Corps of Volunteers shall be furnished by the Province with arms and accoutrements, whether the same be the property of the Province or the property of the Imperial Government ; and the same shall be kept in public armouries, wherever there are such ; and where there are no such public armouries, and until the same are provided, the Officer commanding each Corps shall himself actually keep the arms and accoutrements in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personally responsible for such arms and accoutrements ; and the Officer commanding any such Corps may, in the discretion of the Commander in Chief, be allowed annually, such sum for the care of such arms and accoutrements as may appear proper for the same ; and no Arm shall, nor shall any Accoutrements be taken or removed from any such public armoury or from the care of such commanding Officer, except under such regulations as may be made in respect to the same by any General Order of the Commander in Chief.

2. Nothing herein shall be construed to relieve the Officers or men of the Volunteers, of any liability in respect to the Uniform or Arms or Accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other respect,—under the Acts eighteenth Victoria, chapter seventy-seven, and nineteenth and twentieth Victoria, chapter forty-four, and the thirty-fifth chapter of the Consolidated Statutes of Canada and the Act twenty-fifth Victoria, chapter one,—but notwithstanding the repeal of the said Acts or any of them, any proceedings thereto relating may be brought within twelve months after the discovery of any breach of the provisions thereof.

10. The said arms and accoutrements shall be renewed and kept in repair at the cost of the Province, whenever such renewal or repair becomes necessary from wear in service or other cause than the fault or neglect of the person charged with the temporary possession thereof, in which last named case they shall be renewed or repaired by and at the cost of such person, or, if renewed or repaired at the cost of the Province, the cost may be recovered from such person as a debt due by him to the Crown before any two or more Justices of the Peace, and the Justices may make such order for payment of such sum as may be found to be due or to have been paid for such renewal or repair, not exceeding ten dollars, with costs, and in case of non payment of the same, together with the costs for the space of ten days after such order has been made, such Justices may issue their warrant of distress for the levying of such sum, together with the costs of conviction and of distress.

Repairing, and renewing arms, &c.

Before whom and how enforced.

11. No Corps of Volunteers and no non-commissioned officer or private thereof, shall at any time appear in uniform or armed or accoutred, except when on duty or *bonâ fide* at parade or drill or at target practice, or at Reviews or on Field-days or inspections, or for receiving distinguished persons or rendering funeral honors to deceased comrades, or when required to act in aid of the civil power under due authority; nor shall the arms and accoutrements be taken out of this Province.

Volunteers to appear armed or in uniform on certain occasions only.

12. The uniform Clothing, Arms and Accoutrements of the officers, non-commissioned officers and men of Volunteer Corps, and the Horses used by them as such, shall be exempt from seizure in execution and from distress and assessment; nor shall any of such horses be disposed of by any officer or man without leave of the Officer commanding the Corps: and the clothing except that of Officers, whether issued from the Adjutant General's Office or the clothing of any corps or non-commissioned officer or man thereof, who may have heretofore purchased or by any means acquired the same other than from the Adjutant General's Office, and who have or has heretofore been paid or received any sum of money in lieu of or as compensation for clothing, shall be deemed to be the property of the Crown; and each non-commissioned officer or man who fails to keep in proper order the uniform entrusted to his care, or in his possession, or who may wear the same or any part thereof on any other occasion than when on duty or specially authorized or permitted so to do by his commanding officer, shall incur a penalty of five dollars for each offence, to be recovered as hereinafter mentioned.

Exemption of clothing, arms, horses, &c., from seizure.

Uniform to be the property of the Crown if furnished or paid for by the province.

Penalty for not keeping uniform in proper order.

13. Sufficient ammunition for exercise and target practice may be supplied to the Volunteers at the expense of the Province, in such manner as the Commander in Chief may direct;

Ammunition for practice.

Regulations for Target practice.

direct; and the Commander in Chief may make such regulations in respect to the annual course of Target practice by Corps of Volunteers, and the mode of conducting the same and of registering the results thereof, as may appear to him expedient.

How Volunteers shall be drilled and exercised.

14. The Volunteers shall be drilled and exercised, in such manner and at such times in each year, and for such periods and at such places, and either encamped or otherwise, and under such rules and regulations and subject to such returns or certificates of performance of drill as the Commander in Chief may from time to time order; but nothing herein contained shall be construed to prevent any Corps from being assembled or ordered out at any time by the officer commanding it, for parade or drill or target practice or exercise.

Drill grounds, sheds and ranges.

15. The Commander in Chief may cause to be provided, where expedient, drill grounds, drill sheds and ranges for target practice, to be subject to such inspection and regulations for the use thereof, as may by him be deemed necessary.

Appropriation for prizes for proficiency.

16. A sum of money, not exceeding two thousand dollars, per annum, may be appropriated to the purchase of prizes or for distribution in various sums to be competed for by corps of volunteers for proficiency in drill and discipline or target practice, at such times and places and under such regulations as the Commander in Chief may from time to time order.

Further allowance to Volunteer Corps deemed efficient.

2. The Commander in Chief may in each year order to be paid over to the Commanding Officer of each Volunteer Battalion, which may, by the Commander in Chief, upon such proof or evidence as he may think fit, be deemed efficient, a sum not less than fifty dollars and not exceeding four hundred dollars for the general uses and purposes of such Battalion; and the Commander in Chief may, from time to time, declare what is requisite to entitle a Volunteer Battalion to be deemed an efficient Volunteer Battalion, by any order or regulation defining for that purpose the frequency of the drills to be held by such Battalion, the average attendance of the men thereat, and the course of drill and instruction, and musketry and target practice to be gone through and performed by them, and the degree of proficiency in the drill and instruction to be attained by them; and also the state and condition required of the clothing, arms, accoutrements and equipment in the possession of, or of the other property of the Corps, and the manner in which the same efficiency shall be certified to the Commander in Chief; Provided that no greater aggregate sum shall be expended in any one year for the above mentioned purposes than the sum of five thousand dollars.

Commander in chief to establish conditions of such allowance.

Proviso: total amount limited.

Municipalities may provide fire proof armouries.

17. For the safe keeping of the arms and accoutrements furnished to any Corps, the Corporation of the Municipality, within

within which the Head Quarters of such corps may be, may if they think fit, provide, at the expense of such Municipality, one or more good, safe and commodious Fire Proof Armouries, fitted with arm racks and other necessary and proper storage, and for the heating thereof; and for providing moneys for such purpose, or for or towards compensating, maintaining or promoting the efficiency of the volunteers within such municipality in each year, the several Municipalities throughout Upper Canada shall have all and every the powers conferred upon them in respect to the raising and levying the same as are provided by the two hundred and twenty-third and two hundred and twenty-fourth sections of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada; and the several Municipalities in Lower Canada shall have all the powers conferred on them by the Lower Canada Consolidated Municipal Act and the Acts amending it, or by the Special Act or Acts incorporating and governing the Municipality (if any such there be) with regard to the raising of money for any purpose for which such Municipalities are by law empowered to raise the same.

Power to levy money for providing armouries.

18. The Volunteers shall be liable to be called out in aid of the ordinary Civil Power in case of riot or other emergency requiring such services, and shall, when so employed, receive from the Municipality in which their services are required, the following rates of pay, that is to say: Officers, such pay as is the daily pay in Her Majesty's Service of officers of corresponding rank, with an additional sum to each mounted Officer of two dollars per day, and non-commissioned Officers and Privates the sum of one dollar each, per day with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, and shall be also provided with proper lodging by such Municipality;—And the said sums, and the value of such lodging, if not furnished by the Municipality, may be recovered from it by the Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto.

Volunteers may be called out in aid of the civil power, and shall in such cases be paid and lodged by the Municipality.

19. It shall be the duty of the Officer commanding any Corps of Volunteers to call out the same, or such portion thereof as is necessary, for the purpose of quelling any Riot, when thereunto required in writing by the Mayor, Warden or other Head of the Municipality in which such Riot takes place, or by any two Magistrates therein, and to obey such instructions as may be lawfully given him by any Magistrate in regard to the mode of quelling such Riot;—And every Officer, non-commissioned Officer and man of such Corps shall, on every such occasion, obey the orders of his Commanding Officer;—And the Officers and men when so called out shall, without any further or other appointment, and without taking any oath of office, be special constables and shall act as such so long as they remain so called out.

How they may be called out and their duty in such cases.

To be special Constables.

Volunteers exempt from serving as Jurors or Constables on certificate.

And from tolls in certain cases.

20. The Officers, non-commissioned Officers and men of Corps of Volunteers, shall, while they continue such, be exempt from serving as Jurors and Constables;—And a certificate under the hand of the Officer commanding any such Corps shall be sufficient evidence of the service in his Corps of any officer, non-commissioned officer or man for the then current year, and of his exemption as aforesaid; And officers, non-commissioned officers and men of the Volunteers being in proper staff, or regimental uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same) shall be exempt from the payment of any duty or toll on passing any turnpike or toll-gate, or any road, wharf or landing place, or bridge in this Province.

Term of engagement hereafter.

21. The term of engagement of a Volunteer shall after the passing of this Act not be less than five years, but any Volunteer may, except when called out for actual service, quit his Corps or Battalion on complying with the following conditions, namely:

Conditions on which a Volunteer may leave his Corps.

- (1.) Giving to the Commanding Officer of his Corps or Battalion six months' notice in writing, of his intention to quit the Corps or Battalion.
- (2.) Delivering up in good order, fair wear and tear only excepted, all uniform Clothing, Arms, Accoutrements and appointments, being the property of the Crown or of his Corps, issued to him.
- (3.) Paying all money due or becoming due by him under the Rules of his Corps or Battalion, either before or at the time or by reason of his quitting it, for any subscription or fine or on any other account;

and thereupon he shall be struck out of the Muster Roll of the Corps by the Commanding Officer.

Commander in chief may make Regulations for certain purposes.

22. The Commander in Chief may from time to time make orders or regulations respecting any thing in this Act, done or authorized to be done or provided by Order or Regulation; and also such Orders or Regulations as may seem fit (not being inconsistent with any of the provisions of this Act,) respecting the appointment and promotion of Officers and the assembling and proceedings of Courts of Enquiry to inquire into and report on any matter connected with the Government or Discipline of a Volunteer Corps or Battalion, or any non-commissioned officer or private thereof, and for the full execution of this Act, and the general government and discipline of the Volunteer Force, and he may alter or repeal any such Regulations, and may call for such Returns as may from time to time seem requisite.

Courts of Enquiry, &c.

Regulations may be altered, &c.

23. With respect to the discipline of Officers and Volunteers, the following provisions shall take effect and be in force while they are not called out for actual service. Discipline.

1. The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer and strike him out of the Muster Roll, either for disobedience of orders by him while doing any Military duty with his Corps, or for neglect of duty or misconduct by him as a member of the Corps, or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the Commanding Officer; the Volunteer so discharged shall nevertheless be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing and appointments being property of the Crown, or of his Corps, issued to him, and to pay all money due or becoming due by him, under the Rules of his Corps, either before or at the time or by reason of his discharge, for any subscription or fine, or on any other account; and shall in addition thereto be liable to any penalty imposed by law for his offence, but nothing herein shall prevent the Commander in Chief from signifying his pleasure in such manner and giving such directions with respect to any such case of discharge as to the Commander in Chief may appear just and proper.

Striking off Roll for disobedience of orders, neglect or misconduct.

Uniform, &c., to be given up.

Moneys due to corps to be paid.

Penalty, &c.

2. If any such officer as aforesaid or any Volunteer while under arms or on march or duty with the Corps or Battalion to which he belongs or any portion thereof, or while engaged in any Military Exercise or Drill with such Corps or Battalion, or any portion thereof, or while wearing the clothing or accoutrements of such Corps or Battalion, and going to and returning from any place of exercise or assembly of such Corps or Battalion, disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the Corps or Battalion, or any superior officer under whose command the Corps or Battalion then is, may order the offender, if an Officer, into arrest, and if not an Officer, into the custody of any Volunteer or Volunteers belonging to the Corps or Battalion, but so that the offender be not kept in such arrest or custody longer than during the time of the Corps or Regiment or such portion thereof as aforesaid, then remaining under arms or on march or duty or assembled, or continuing engaged in any such Military Exercise or drill as aforesaid.

Arrest of offender during a certain time.

24. Any Corps of Volunteers may make, agree upon and enter into, such articles, rules and regulations for the discipline and good management of the same as they may think proper, to be sanctioned by the Officer Commanding such Corps and to be by him transmitted for the approval of the Commander in Chief; and any such articles, rules and regulations, in so far as they are not inconsistent with this Act, shall, when so approved, but not before, be enforced, and the penalties which may

Volunteers may agree to articles, rules, &c.

Subject to approval and then binding.

may

may be thereby imposed shall, whenever they are incurred, be recoverable in the manner mentioned in any of the sections of *An Act respecting the Militia* incorporated with this Act, by the Officer designated for that purpose in such rules and regulations, to such uses as may be therein directed.

Inspection of
Volunteer
Corps, their
arms, clothing
&c., by proper
Officers.

25. The several Corps of Volunteers, and the clothing, arms, accoutrements and armouries, shall be subject to inspection, from time to time, by such Officer of Her Majesty's Service as may be appointed for that duty, by the Officer Commanding Her Majesty's Forces in this Province, with the sanction of the Commander in Chief; and shall also be subject to inspection, from time to time, by such Officer or Officers (not being under the rank of Field Officer) of Volunteers as shall be temporarily appointed by the Commander in Chief for that purpose, and who shall report fully to the Commander in Chief on the state and efficiency of each Corps, and of its clothing, arms and accoutrements, and of the armouries, and who shall be reimbursed by the Province, his or their actual travelling expenses, and paid for such service at a rate not exceeding four dollars per diem whilst so engaged.

Officers to re-
port on their
state.

Pay.

To what places
Volunteers cal-
led out may be
marched.

26. The Volunteers when called out, by the Commander in Chief, may be marched to any part of the Province, or to any place without the Province but conterminous therewith, where the enemy is, and from which an attack on this Province is apprehended.

Volunteers cal-
led out to be
subject to ar-
ticles of war,
&c.

Exception.

Exception.

27. The Volunteer Force and every Officer or man belonging to it, shall be subject to the Queen's regulations and orders for the army, and shall, from the time of being called out for actual service, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that the Commander in Chief may direct that any provisions of the said laws or regulations shall not apply to the Volunteer Militia Force.

For what of-
fences only
Volunteers may
be sentenced to
death.

Sentence
must be first
approved.

28. No Officer, non-commissioned Officer or private in the Volunteers, shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—And no sentence of any General Court Martial shall be carried into effect until approved by the Commander in Chief.

Officer of re-
gular Army on
full pay not to
sit, &c.

29. No Officer of Her Majesty's regular Army on full pay shall sit on any Volunteer Court Martial.

OFFICERS.

- 30.** All Commissions of Officers in the Volunteer Militia Force shall be granted by the Commander in Chief and during pleasure ; no person shall be an Officer in the Volunteer Force unless he is one of Her Majesty's subjects by birth or naturalization. Commission, by whom granted.
Officers must be Her Majesty's subjects.
- 31.** Commissioned Officers of the Volunteer Force shall furnish their own uniform, arms and accoutrements. Officers arms and uniform, &c.
- 32.** Commissions held by Officers of Volunteers, existing immediately before the passing of this Act, shall remain in force, the same being nevertheless subject to be cancelled by the Commander in Chief ;—Provided that no rank in the Volunteer Force shall be higher in time of peace than Lieutenant-Colonel, but Officers at the passing of this Act, holding the rank of Colonel in the Volunteer Force, shall retain the same. Existing Commissions continued, until cancelled, &c.
No rank above Lieut. Colonel, in peace : Exception.
- 33.** The Commander in Chief may, whenever the Volunteer Force is called out, and the exigencies of the service so require, appoint Colonels in the same. Colonels when Volunteers are called out.
- 34.** All Corps of Volunteers, whenever on duty or parade, shall be commanded by the Officer of Volunteers highest in rank then present on duty and in uniform, who shall be responsible for the due maintenance of order and discipline among the Corps of Volunteers then present, but if the Militia or any part thereof be called out for actual service, all Corps of Volunteers and Militia on duty or parade shall be commanded by the officer of Her Majesty's Army or of the Volunteers or Militia highest in rank then present on duty and in uniform ; and officers of Volunteers shall always and in all cases be reckoned senior to all Officers of Militia of the same rank, whatever be the dates of their respective Commissions ;— And Colonels appointed by Commission signed by the Officer Commanding Her Majesty's Forces in Canada, shall command Colonels of the Volunteer Force whenever hereafter appointed, (except the Adjutant General of the Militia), whatever be the dates of their respective Commissions. Who shall command volunteers on duty or parade ; or militia called out.
Volunteer Officers senior to Militia of same grade.
Colonels.
- 35.** After the passing of this Act, no Officer shall be appointed to or promoted in the Volunteer Force except provisionally, until he shall have satisfactorily passed an examination before the Board hereinafter mentioned, and received a certificate thereof. Examination of officers hereafter appointed or promoted.
- 36.** A Commodore may be appointed to command the whole of the Naval Companies of the Province, and to rank as a Lieutenant-Colonel of the Canadian Militia ; and Captains of Naval Companies shall rank as Majors, and First Lieutenants as Captains in the Canadian Militia. Officers of Naval companies.

Boards for examination of Volunteer officers.

37. The Commander in Chief may, by General Order, from time to time, appoint a Board or Boards, to be constituted of three or more Officers of the Volunteers, of whom one shall be a Field Officer, and to be held at such place as is therein specified, to examine any such Officers of the Volunteers as may desire to have investigated their knowledge of and proficiency in drill and military duties generally; and upon any such examination, the said Board or Boards shall report the result thereof to the Commander in Chief and shall, after the approval thereof by him, deliver to any such Officer as may have satisfactorily passed such examination, a certificate thereof, which said certificate shall be recorded in a book to be kept for that purpose in the Office of the Adjutant General of Militia, and the certificate thereafter delivered to the officer so examined; and the fact of such examination and certificate shall be notified in General Orders.

Certificates and record thereof.

Staff officers of Volunteers.

38. The Commander in Chief shall, whenever he may think requisite or necessary for the efficiency of the Volunteers, have full power to appoint Staff Officers of the Volunteers; and any such Staff Officers shall have such rank and authority as are held relatively in Her Majesty's Service, and their duties shall be the same for the Volunteers as prescribed for Her Majesty's Service by the Queen's Regulations and orders for the army.

Brigade Majors: duty and pay.

39. Each of the Brigade Majors heretofore appointed shall continue to act as such during pleasure in the several Regimental Divisions which formerly composed the Military District for which he was so appointed; and the Commander in Chief may when necessary from time to time appoint a Brigade Major, for one or more Regimental Divisions, and may from time to time regulate and prescribe his duties; and each Brigade Major shall be paid by the Province at a rate not exceeding six hundred dollars per annum, and his travelling expenses and half a dollar a day in lieu of forage for a Horse.

Drill and musketry instructors.

40. The Commander in Chief may, from time to time, appoint drill and musketry instructors, from Her Majesty's service or from the Volunteers, to be employed in drilling and instructing the officers, non-commissioned officers and men in the several Corps of Volunteers or drill associations; and each of such drill and musketry instructors, when so employed, shall be paid by the Province at a rate not exceeding one dollar and fifty cents per diem, and the cost of their transport; but no such drill or musketry instructors shall be appointed from the Volunteers, unless and until he has passed satisfactorily through an examination before the Board hereinbefore referred to and received a certificate thereof.

Pay. Subject to examination.

Serjeant Major of Field-Batteries.

41. Each Serjeant-Major of a Volunteer Field-Battery of Artillery may, on account of the great responsibility attached

to the Office, be paid by the Province, at the rate of two hundred dollars per annum.

42. Whenever the Volunteers or any part thereof shall be called out by reason of war, invasion, insurrection or imminent danger thereof, the officers, non-commissioned officers and men of the Volunteers, so called out for Active Service, shall be paid at such rates of daily pay, and shall receive such allowances in every respect, as are paid and allowed to officers, non-commissioned officers and men of the relative and corresponding rank or grade, in Her Majesty's service.

Pay of volunteers when called out for active service.

43. The several clauses of *An Act respecting the Militia* relating to "Billeting and Cantoning Troops and Militia when on actual service, and furnishing carriages, horses, &c., for their transport and use"—"Offences and Penalties"—and "Miscellaneous Provisions" and not inconsistent with the provisions of this Act, shall be incorporated with this Act, and as if actually part hereof.

Certain provisions of the Militia Act to apply to Volunteers.

44. If any person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses, any property or thing issued to him or in his possession as a Volunteer,—or wrongfully refuses or wrongfully neglects to deliver up, on demand, any property or thing issued to him or in his possession as a Volunteer,—the value thereof shall be recoverable from him, with costs, as a penalty under this Act is recoverable; and he shall also for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the prosecution of the Commanding Officer of the Corps or Battalion, to a penalty not exceeding twenty dollars, nor less than five dollars with or without imprisonment for any term not exceeding six months.

Punishment of Volunteers wrongfully destroying, &c., property in their possession as such.

45. If any person knowingly buys or takes in exchange from any volunteer or any person acting on his behalf,—or solicits or entices any volunteer to sell,—or knowingly assists or acts for any volunteer in selling,—or has in his possession or keeping, without satisfactorily accounting for,—any arms, clothing, or appointments being the property of the Crown or property of any Volunteer Corps or Battalion, or any public stores or ammunition issued for the use of any such Corps or Battalion he shall, on the first commission by him of any such offence, be liable to a penalty not exceeding fifty dollars, and shall, on a second and every other subsequent commission by him of any such offence, and on being convicted thereof in the like course of proceeding as that in which any such penalty is recoverable, be liable to a penalty not exceeding fifty dollars nor less than twenty-five dollars, with or without imprisonment for any term not exceeding six months, with or without hard labour.

Punishment of persons buying arms, clothing, &c., of Volunteers, or enticing or assisting them to sell the same, &c.

Punishment for
damaging tar-
gets or butts,
&c.

46. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any Volunteer Corps or Battalion, or without the leave of the Commanding officer of the Corps or Battalion, searches for bullets in, or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on the prosecution of the Commanding Officer, to a penalty not exceeding twenty dollars, with or without imprisonment for any term not exceeding six months.

Volunteer
Corps or Bat-
talions may
hold property
for certain pur-
poses, under
regulations.

47. The several Corps or Battalions may hold property for such purposes incident to their existence as the Commander in Chief may, by any General Warrant, enumerate and prescribe; and they may pass regulations relating thereto, subject to the approval of the Commander in Chief, which shall be binding on the several members thereof; and all grants shall be made to the Corps as a body, on the conditions that its effective members continue and remain effective in the proportion at least of three-fourths to those inscribed on the roll; and the Commander in Chief may prescribe on what terms or by what means and form such property may be held and transmitted.

In whom
money and pro-
perty for the use
of Volunteers
shall be vested,
&c.

48. All money subscribed by or for the use of a Volunteer Corps or Battalion, and all effects belonging to any such Corps or Battalion, or lawfully used by it, not being the property of any individual officer or volunteer, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other money due to the Corps or Battalion, and all lands, property or effects acquired by the Corps or Battalion shall vest in the Commanding Officer of the Corps or Battalion for the time being, and his successors in office, with power for him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereto; and any civil or criminal proceeding taken by virtue of the present section by the Commanding Officer of a Corps or Battalion, shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office; and the property of all efficient Corps or Battalions, their Butts, and Ranges, and the Horses, Carriages, &c., actually used for the purposes of such Corps or Battalions, and all Armouries, Drill-sheds, Rifle Ranges, &c., however furnished, shall also be exempt from all Municipal and local rates and taxes.

Exemption of
property from
taxation.

Commander in
Chief may
make regula-
tions as to
shooting
grounds, &c.

49. The Commander in Chief, with a view to the safety and convenience of the public, and of Volunteers, may make By-laws for the regulation of shooting on grounds purchased, acquired or used by any Volunteer Corps or Battalion under this Act, and for the prevention of intrusion thereon during the times of shooting; any such By-laws may impose a reasonable pecuniary penalty, not exceeding twenty dollars, for any breach thereof,

And impose
penalties for
infraction.

thereof, so that the By-law be so framed as to admit of part only of the maximum penalty being ordered to be paid, such penalties to be recoverable and applicable as penalties imposed by this Act are recoverable and applicable.

C A P . I V .

An Act to amend the Act respecting Duties of Customs and the collection thereof.

[Assented to 15th October, 1863.]

IN amendment of the Act respecting Duties of Customs and the collection thereof: 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 proclamation or order in council, at any time, and from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods:—Arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited be exported, carried coastwise, or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be forfeited.

Exportation of arms, &c., may be prohibited by Order in Council.

Forfeiture for contravention of such order.

2. All forfeitures incurred under this Act shall be held to be incurred under the said Act respecting duties of Customs and the collection thereof, of which this Act shall be held to form part, and any citation of the said Act shall be understood as including this Act.

Act to be construed as part of Con. Stat. Can., cap. 17.

C A P . V .

An Act to revive and continue, for a limited time, the several Acts therein mentioned.

[Assented to 15th October, 1863.]

WHEREAS it is expedient to revive and further to continue the Acts hereinafter mentioned, which, in consequence of the unexpected termination of the now last Session of the Provincial Parliament, were not continued in the usual manner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

- Acts of Canada
10, 11 Vic.
cap. 1.
- 14, 15 Vic.
cap. 159.
- Acts of L. C.,
2 G. 4, cap. 8.
- Laprairie.
- 2 G. 4 cap. 10.
La Baie St.
Antoine.
- 4 G. 4 cap. 26.
The same.
- 9 G. 4 cap. 32.
Fief Grosbois.
- Revived and
continued to
end of Session
after 1st Jan.,
1864.
- To be held not
to have ex-
pired.
Exception.
- Acts of Canada
7 Vic. cap. 10.
- 9 Vic. cap. 30.
- 12 Vic., cap. 18.
- 1.** The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: "An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;" the Act of the Parliament of this Province passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: "An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West;" the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled: "An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;" the Act of the said Parliament, passed in the same year of the same Reign, and intituled: "An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie," as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled: "An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same;" the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled: "An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled: "An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the common of the said Fief;" and all and every of the said Acts are hereby revised and continued and shall be in force from the passing of this Act until the first day of January, one thousand eight hundred and sixty-four, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer; and shall be held to have been in force from the end of the said now last session as if then continued, except only in cases where the expiration of any of the said Acts may have been pleaded before the passing of this Act.
- 2.** The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: "An Act to repeal an Ordinance of Lower Canada, intituled: "An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects," and to make provision for the same object throughout the Province of Canada," and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled: "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending,"

pending," and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled: "An Act to afford relief to Bankrupts in certain cases," shall respectively be and they are hereby revived and continued, and shall be in force for the purposes aforesaid from the passing of this Act until the said first day of January, one thousand eight hundred and sixty-four, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer; and shall be held to have been in force from the end of the now last Session as if then continued for the said purposes, except only in cases where the expiration thereof may have been pleaded before the passing of this Act.

13 & 14 Vic.,
cap. 20.

Revived and
continued for
certain pur-
poses only.

To be held not
to have exp-
ired.

Exception.

3. Provided, always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso:
Act, not to
prevent the
effect of any
Act of this
Session, &c.

4. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings," as that within which it shall be lawful for the Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled: "An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada," or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: "An Act to alter and amend an Act intituled: 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada,'" or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty-four, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer; and shall be held to have been so extended from the end of the now last Session until the passing of this Act, except only in cases where the non-extension thereof may have been pleaded before the passing of this Act.

Period limited
by 12 Vic.,
cap. 97.

9 Vic. cap. 12.

10 & 11 Vic.
cap. 33.

Extended to
end of Session
after 1st Jan.,
1864.

To be held to
have been so
extended, &c.
Exception.

C A P . V I .

An Act to amend the Act of 1841, relating to Savings Banks.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS it is expedient to extend a certain provision of the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Provision of s. 9 of 4, 5 V. c. 32, limiting the amount of investments in certain securities, repealed.

1. So much of the ninth section of the Act passed in the Session held in the fourth and fifth years of Her Majesty's reign, intituled: *An Act to encourage the establishment of and regulate Savings Banks in this Province*, (as the said Act is continued by the fifth section of the fifth chapter of the Statute of this Province, passed in the twenty-fourth year of Her Majesty's reign) as limits the amount of the moneys in the hands of the Trustees of any Savings Bank, established and now in operation in this Province, under the conditions, privileges and restrictions made, granted and imposed by the said Act, which it shall be lawful for such Trustees to invest in Debentures, or in Bank Stock, or other public security, as therein provided, to three quarters of the whole sum deposited in such institution at any one time, is hereby repealed.

Amount of such investments extended to nine-tenths of the total deposits.

2. From and after the passing of this Act it shall be lawful for the Trustees of any Savings Bank established, and now in operation, in this Province, under the conditions, privileges and restrictions made, granted and imposed by the said Act, to invest any moneys not exceeding nine-tenths of the whole sum deposited in such institution, at any one time, which has come or shall come into their hands by virtue of the said Act, so continued as aforesaid, in any Government securities issued under the authority of any Act of the Provincial Parliament of either of the late Provinces of Upper Canada or Lower Canada, or of this Province, or in any Bank chartered by any Act of the Legislature of either of the late Provinces of Upper Canada or Lower Canada, or of this Province, therein to avail for the purposes of the said Act.

C A P . V I I .

An Act to amend the Act respecting the inspection of Pot and Pearl Ashes.

[Assented the 15th October, 1863.]

Preamble.

WHEREAS in and by the Act hereinafter mentioned, provision is made for the appointment of Inspectors of Pot and Pearl Ashes in cities and places where there are no Boards of Trade, as well as in cities and places where there are such Boards,

Con. Stat. Can. c. 49.

Boards, but no provision is made for the removal of such Inspectors in the former class of places, and it is desirable that such omission be supplied: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The third section of the Act respecting the inspection of Pot and Pearl Ashes, forming the forty-ninth chapter of the Consolidated Statutes of Canada, is hereby amended by inserting therein, after the word "otherwise" in the ninth line thereof, the words "if there be a Board of Trade in such city or place, and if not, then in pursuance of a Resolution of the Municipal Council of such city or place, but not otherwise."

How Inspectors may be removed where there is no Board of Trade.

C A P . V I I I .

An Act to amend the law respecting the qualification and registration of voters in Lower Canada.

[Assented to 15th October, 1863.]

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

Preamble.

1. The duties imposed upon Assessors by the tenth section of the sixth chapter of the Consolidated Statutes of Canada, shall be performed between the first days of June and August in every year in which a Valuation Roll is not required by law to be made; and if a revised and corrected Assessment Roll be not delivered by the Assessors of any Municipality to the Treasurer or Secretary-Treasurer thereof, on or before the first day of August in any such year, three Assessors shall be appointed by the Governor for that purpose, in the manner provided by the fifty-sixth section of the twenty-fourth chapter of the Consolidated Statutes for Lower Canada, and they shall revise, correct and return to the Treasurer or Secretary-Treasurer, as the case may be, the Assessment Roll of such Municipality, within fifteen days next after the date of their appointment; and such revised and corrected Assessment Roll shall, upon such return, be held to be revised, corrected and in force, within the meaning of the said sixth chapter of the Consolidated Statutes of Canada.

Within what time the revised assessment Roll must be made, under Sect. 10 of Con. Stat. Can. c. 6.

In default assessors to be appointed by the Governor to make it.

2. The duty of making an alphabetical list of voters, imposed by the eleventh section of the sixth chapter of the Consolidated Statutes of Canada upon the Clerk, Treasurer or Secretary-Treasurer of each City or local Municipality, shall be performed within fifteen days next after the return to him of the valuation or assessment roll, or the revised valuation or assessment roll, as the case may be.

When the list of voters must be made.

Duplicate of list to be deposited with Registrar.

3. The Clerk, Treasurer or Secretary-Treasurer, as the case may be, of each city and municipality, shall deposit with the Registrar of the registration division in which such city or municipality is situate, within fifteen days after the completion of the voters' list, a duplicate thereof, certified and attested in the same manner as is required by law for the original voters' list, to be retained by him.

What voters' list shall be used at any election.

4. The voters' list then last made and in force in the cities of Montreal and Quebec, according to the requirements of chapter six of the Consolidated Statutes of Canada, or in any other municipality, according to the requirements of this Act and of the said chapter six, shall be the voters' list, a copy of which shall be furnished to each Deputy Returning Officer, and which shall be used at any election of a Member of the Legislative Council or Assembly, provided such list has been made, revised, corrected and a duplicate thereof, duly certified, deposited in the Registry Office, at least one month before the date of the writ under which such election shall be held; and in case such duplicate has not been deposited in the Registry Office at least one month before the date of such writ of election, then the voters' list last previously made and in force, and a duplicate whereof had been deposited in the Registry Office at least one month before the date of such writ of election, shall be used; and no such copy shall be delivered to, or used by, any such Deputy Returning Officer, unless there is upon such copy a certificate of the Registrar, that a duplicate of such list was deposited in his office at a date at least one month prior to that of the writ of election, which certificate the Secretary-Treasurer or the Returning Officer, or Deputy Returning Officer, as the case may be, shall procure from the Registrar.

Registrar's certificate required on the list used.

Act not to prevent revision and correction of list.

5. Nothing in this Act contained shall prevent the lists of voters, made as aforesaid, from being revised and corrected in the manner prescribed by the twelfth, thirteenth, fourteenth and fifteenth sections of chapter six of the Consolidated Statutes of Canada.

What shall be the value by which an owner's or tenant's right to vote shall be ascertained.

6. The actual assessed value of real property shall be the basis of the right of the owner thereof or of the person occupying the same as the owner thereof, to vote in respect thereof; and the annual rent or profit, derived by the owner of any real property from any other person leasing or occupying the same as tenant, shall be the basis of the right of such other person to vote as the tenant thereof; and the annual value ascertained by the valuator, to any occupant within the meaning of chapter six of the Consolidated Statutes of Canada of the use of such property, shall be the basis of the right to vote as the occupant thereof.

S. 17 of c. 6
Con. Stat. Can.
amended.

7. The first paragraph of section seventeen of the said chapter six of the Consolidated Statutes of Canada, shall be amended

amended so as to read as follows: "No voting shall be taken, nor shall any poll be held in any municipality in which no list of voters has been made and a duplicate thereof, duly certified, deposited with the proper Registrar, at least one month before the date of the writ of election."

No voting unless list has been made and deposited with Registrar.

8. Every assessor or valuator who shall refuse or neglect to revise the Assessment or Valuation Roll, or to deliver the said Roll so revised to the Secretary-Treasurer, on or before the first day of August in any year in which a new Assessment or Valuation Roll is not by law required to be made,—every Clerk, Treasurer, or Secretary-Treasurer of a city, town, village, or other local municipality, who shall refuse or neglect to make the list of voters within the time limited by this Act, or to transmit to the proper Registry Office a duplicate of the list of voters within the time limited by this Act, or to perform any duty imposed on him by this Act—shall be liable to a penalty of ten dollars for each day during which such Assessor, Valuator, Clerk, Treasurer or Secretary-Treasurer shall have refused or neglected to perform any such duty imposed on him by this Act.

Penalty for refusal or neglect to comply with this Act.

9. This Act shall apply only to Lower Canada, and shall be construed as part of the said Chapter six of the Consolidated Statutes of Canada.

Limitation and construction of Act.

C A P . I X .

An Act further to amend the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statutes for Lower Canada.

[Assented to 15th October, 1863.]

WHEREAS it is expedient to amend the Lower Canada Consolidated Municipal Act, and chapter twenty-nine of the twenty-fourth Victoria: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

PUBLICATION OF BY-LAWS.

1. In the second sub-section of the tenth section of the said Lower Canada Consolidated Municipal Act, the words, "on each of the two Sundays next after the passing of such By-laws," are repealed, and the following substituted therefor: "On two Sundays within the thirty days next after the passing of such By-laws."

Sec. 10 Con. Stat. L. C. cap. 24, amended.

POWERS COMMON TO ALL LOCAL COUNCILS.

2. Any local council may, at the request of two-thirds of the parties interested in a water-course which does not extend beyond

Season for cleansing water courses.

beyond the limits of the Municipality, adopt any resolution having for its object to declare that such water-course shall not be cleansed except between the fifteenth of August and the fifteenth of September.

ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS AND EXTRA PAROCHIAL PLACES.

New paragraph substituted for par. 7 of sec. 35, Con. Stat. L. C. 24.

As to the liability of rate-payers for debts and Road work, &c. after a change in the limits of the Municipality.

First election in a new Parish.

Act not to affect *procès-verbaux*, &c. in force on 1st July, 1855.

Special Inspector of works under any such *procès-verbal*, &c.

His powers and duties.

3. The seventeenth sub-section of the thirty-fifth section of the said Act is repealed, and the following substituted therefor: "The rate-payers of a Municipality which has been erected, or of which the limits have been changed, since the first day of January, one thousand eight hundred and sixty, or may be changed hereafter, either in consequence of the civil erection of a parish or otherwise, shall continue responsible for all debts contracted before the erection of the new Municipality, or the changing of the limits thereof; but the rate-payers of every such Municipality shall be exempted from road work and other Municipal duties in the Municipality from which it has been or may be detached, any *procès-verbaux* to the contrary notwithstanding, and after the said erection or the said change of limits, such new Municipality shall be, with respect to the Municipality or Municipalities from which it shall have been separated, on the same footing as the other local Municipalities in the county are on, with respect to the said Municipality or Municipalities; and the first election for a new parish shall take place and be held and shall take effect as provided in the last sub-section of the next following section with respect to the first election in a newly erected town or village :

2. Nothing in this Act contained shall be construed to affect the validity of any *procès-verbal*, by-law or order relating to a road, a bridge or a water-course in any Municipality situated in any seigniory in Lower Canada, in force on the first day of July, one thousand eight hundred and fifty-five, and not repealed, but all such *procès-verbaux*, by-laws and orders shall continue to be in force until repealed or amended by competent authority; and the Municipal Council of any such Municipality within the limits of which any road, bridge or water-course ordered and legalized by any such *procès-verbal*, by-law or order may lie, shall have the power to appoint at any time a special Inspector, whose duty it shall be to see to the examination of the works ordered by such *procès-verbal*, by-law or order to be done with respect to such road, bridge or water-course—and every such Inspector shall, in virtue of his said appointment, have power and jurisdiction over all persons interested in or held to contribute to the said works, whether residing within or without the limits of such Municipality in the same manner as if they were resident within the limits of such Municipality in which such road, bridge or water-course may lie, and shall be authorized to give them every notice required

required by law either by publication or by personal service, and to prosecute them before any Justice of the Peace for the District, in order to their being condemned either to perform the work for which they are liable or to pay the penalty imposed by law for refusal to obey his orders, the whole in the same manner as if all the persons interested in or liable to contribute to the said works resided in the Municipality in which the said roads, bridges or water courses are situated ;

3. When a Municipality shall have been divided so as to form two separate Municipalities, or to form parts of several distinct Municipalities, all taxes imposed to pay the general or special debts of the Municipality so divided, or of any part thereof, shall be levied by the Municipality including in its limits the place where the Municipal Council of the said Municipality sat, at the time when the said debts were contracted, and the Municipality authorized to collect such taxes shall have all the rights and powers possessed by it before its separation over all its former limits, for the collection of taxes to pay general or special debts ;

Liabilities of rate-payers Municipalities newly erected, by division of former Municipalities.

4. The Council of any local Municipality may amend, alter, or annul any existing *procès-verbal* affecting certain parts of the territory included within the limits of such Municipality, as regards the part or parts affected thereby only, provided that such *procès-verbal* does not relate to any line road between two Municipalities, and this subsection shall apply only to the Townships in Lower Canada ;

Local Council may alter, &c., any *procès-verbal*.

5. No account for a general or special tax to pay off debts shall be collected in virtue of the preceding subsection, unless the Municipality charged with the collection thereof has obtained a settlement of accounts by agreement for the equitable division of the said debts with the new Municipality, including in its limits part of the territory chargeable with such debt ; and in case the two Municipalities shall not agree on the subject of such settlement of account, the matter in dispute may be settled by the County Council on the application of any Municipal elector ;

Previous settlement of accounts of the Municipalities required.

6. Where two or more Townships are united for Municipal purposes, the taxes collected, less the costs of collection, shall be expended in the Township where they are levied, unless it be otherwise provided by the County Council.

Expenditure of taxes in United Townships.

ERECTION OF TOWNS AND VILLAGES.

4. The second sub-section of the thirty-sixth section of the said Act is repealed, and the following is substituted therefor :
 "Upon the presentation to a County Council of a petition, signed by two-thirds of the inhabitants, or more, entitled to vote at the election of local Councillors, applying for the erection

Sec. 36, Con. Stat. L. C. cap. 24, amended. Petition for erection of a Town or Village.

into

into a Town or Village Municipality of any tract of land whatsoever situated in the local Municipality in which the petitioners reside, and clearly defined in the petition, the County Council shall refer the said petition to the person appointed as special Superintendent, with orders to visit such tract, and to report on the petition."

DELIVERY OF PAPERS.

Sec. 39
amended.

5. The third sub-section of the thirty-ninth section shall apply to all Municipalities.

NEW PROCÈS-VERBAUX AND REPARTITIONS.

Proceedings
for closing a
Road, &c.

6. The proceedings to close or abolish any road in a Municipality, and to cause a *procès-verbal* to be repealed or amended, shall be the same as those prescribed by the forty-fifth and forty-sixth sections of the said Act for the opening, constructing, widening or maintaining of a road, and the same powers to that effect are given to every County or local Council.

Agreement
between
Councils for
terminating
differences.

Who may act
as attorney for
either.

If the agree-
ment relates to
a water-course.

7. Any Municipal Council may make a formal agreement with the Municipal Council of any neighboring Municipality for the purpose of terminating all differences respecting roads, bridges, fences, watercourses, debts and accounts, in which two such Municipalities, or part thereof, are interested; any member of the said Council, or the Secretary-Treasurer thereof, authorized by a special resolution of the said Council to that effect (which resolution shall contain the purpose and conditions of the said agreement) may act as attorney for the Council in making such agreement, and if such agreement relates to a road, a bridge or a watercourse, the Councils may by By-law make apportionment of and make provision for the execution of the works to be done in their respective Municipalities.

PUBLIC WORKS MADE BY ASSESSMENT IN MISSISQUOI.

Work may be
apportioned
instead of
raising money
to pay for it.

8. Notwithstanding any thing to the contrary in the fifty-third section of the said Act, the Council of any local Municipality situated in the County of Missisquoi, may, by any by-law which shall come into force on the first day of January next after its passing, order that the roads, with the exception of the public bridges thereon, in any such local Municipality, which the proprietors or occupants of land in such local Municipality or any of them are bound to make and maintain, shall hereafter be made and maintained, not by means of money raised for the purpose by assessment, but by an apportionment of the work, to be made in conformity with the provisions of the forty-seventh section of the said Act.

COLONIZATION ROADS.

9. The powers conferred by section fifty-five of the said Act, upon the Commissioner of Crown Lands shall be also vested in the Minister of Agriculture.

Powers under Sec. 55, in whom vested.

VALUATORS AND VALUATIONS.

10. Notwithstanding anything to the contrary in section fifty-six of the said Act and in section fourteen of the Act twenty-fourth Victoria, chapter twenty-nine, the valuation roll required by the said section shall, after the present year, be made and deposited between the first day of June and the first day of August of the years in which such valuation roll is required to be made, and the statement required by the eighth and ninth subsections of the said fifty-sixth section shall be transmitted in the month of June in every year hereafter, instead of in the month of March, as required by the said subsections.

Valuation under s. 56 to be made in June or July, and statement under pars. 8 and 9 to be transmitted in June.

SALES OF PROPERTY.

11. Every action for the annulling of any sale made by any Municipal Council, in virtue of section sixty-one of the said first mentioned Act, shall be brought within the two years next after the adjudication of the property sold, and any action for the annulling of any sale made before the passing of this Act, in virtue of the said section, shall be brought within two years from the passing of this Act.

Actions for annulling sales to be brought within a certain period.

PROSECUTIONS, &c.

12. Subsections three and four of section sixty-four of the said Act are repealed, excepting as regards works executed subsequently to the passing of the provisions contained in the said subsections.

Part of Sec. 64 repealed.

APPEALS FROM LOCAL COUNCILS TO COUNTY COUNCILS.

13. The words "thirty days" are substituted for the words "fifteen days" in the first subsection of section sixty-six of the said Act, and the following words shall be added at the end of subsection two of the said section: "and the County Council may award costs (and the expenses of the necessary notices) upon the homologation, amendment, confirmation or rejection thereof, which costs may be taxed by the said County Council."

Sec. 66 amended.

County Council may award and tax costs.

SPECIAL PROVISION RESPECTING APPEALS.

14. The following words shall be added to section sixty-eight of the said Act:—"But any person who shall consider himself aggrieved by any *procès-verbal* made by the County Council sitting otherwise than as a Court of Revision, may appeal

Sec. 68 amended.

Appeal to Circuit Court.

appeal therefrom to the Circuit Court in and for the County or District in which the *procès-verbal* has been made, and such appeal shall be prosecuted in the manner and form, within the delay, and subject to the conditions prescribed by section sixty-seven of the said Act."

DECLARATORY SECTION.

As to prosecutions for infringing By-laws relating to sale of liquors.

15. The collectors of inland revenue have and have always had the right to institute prosecutions for the infraction of the by-laws of Municipal Councils in Lower Canada, touching the sale of intoxicating liquors; and no provisions of the Lower Canada Consolidated Municipal Act, or any Act amending the same, by which the right of instituting such prosecutions is extended to the local councils of municipalities, shall be interpreted as having affected or affecting the rights and powers of the said collectors of inland revenue; Provided always, that nothing in this section contained shall affect any judgment to the contrary heretofore rendered by any Court; but no person who shall, before the passing of this Act, have paid any penalty for the infraction of such by-laws to any collector of inland revenue shall be entitled to recover them from such officer.

Proviso as to judgments heretofore rendered, &c.

LOCAL PROVISIONS.

Sec. 11 of 24 V., cnp. 29, amended.

16. After the word "Bagot" and before the word "composed" in the sixth line of the eleventh section of the Act to amend the Lower Canada Consolidated Municipal Act, (twenty-fourth Victoria, chapter twenty-nine) the following words shall be inserted, and shall make part of the said section: "and the Local Municipalities of the Townships of Milton and Roxton, in the County of Shefford."

Certain local Municipalities erected in the County of Shefford.

17. Upon, from and after the first day of January next after the passing of this Act, each of the following severally described territories in the County of Shefford, shall be and is hereby constituted a corporation or body politic, under the name and designation hereinafter set forth, for all municipal purposes, and to all intents whatsoever, as if the erection of the said Municipality had taken place at such day in the ordinary manner and within the terms of the said Lower Canada Consolidated Municipal Act, and the Acts amending the same; that is to say:

North Ely.

1. That part of the Township of Ely, now included within the limits of the school municipality of North Ely, under the name and designation of the "Corporation of the Township of North Ely;" and the remainder of the Township of Ely shall continue to form a Municipality under its present name and form, and shall not be held to be a new Municipality within the meaning of the said Acts or of this Act;

2. That part of the Township of Milton, included within the limits of the Parish of Sainte Cécile de Milton, as canonically and civilly erected under the name and designation of the "Corporation of the Township of Sainte Cécile de Milton."

St. Cécile de Milton.

3. That part of the Townships of Milton and Roxton, included within the limits of the Parish of St. Valérien de Milton, as canonically and civilly erected, under the name and designation of the "Corporation of the Township of St. Valérien de Milton."

St. Valérien de Milton.

18. On the second Monday of the month of January aforesaid, the inhabitants of each of the said Municipalities of "North Ely," "Sainte Cécile de Milton," and "Saint Valérien de Milton," as above described, shall meet in each of their respective Municipalities for the purpose of making the first election of Municipal Councillors to serve for the said several Municipalities under and according to the provisions of the said Lower Canada Consolidated Municipal Act.

First meetings of inhabitants and election.

19. Upon and from and after the first day of January, next after the passing of this Act, the Parish of St. André d'Acton, and that of St. Théodore d'Acton, now forming one Municipality under the name of the Corporation of the Township of Acton, shall form two separate and distinct Municipalities, the one under the name and designation of the "Corporation of the Parish of St. André d'Acton," and the other under the name and designation of the "Corporation of the Parish of St. Théodore d'Acton."

Municipality of Acton divided.

20. It shall be the duty of the Warden of the County of Shefford, on or before the fifteenth day of December next, to give public notice to the inhabitants of the several Municipalities so erected as aforesaid, of the time and place at which the said elections shall be held, and to appoint a chairman in each of the said Municipalities to preside over the election therein, who shall have all the powers and discharge all the duties assigned by the said above recited Acts to the person presiding over such municipal elections; and the first election of councillors for the said municipalities having been made as aforesaid, all future elections shall be made at the time and in the manner required by the Acts cited in this Act.

Notice of first elections, and appointment of persons to preside thereat.

21. All the clauses of the Lower Canada Consolidated Municipal Act and the Acts amending it shall apply to the new municipalities established by this Act.

Con. Municipal Act to apply to such new Municipalities.

22. Nothing herein contained, or that may be authorized or done in pursuance of this Act, shall have the effect of releasing any part of the territories so erected into municipalities as aforesaid from the debts or obligations contracted before the passing of this Act by any Municipality of which it formed a part.

Liabilities for debts not affected by this Act.

C A P . X .

An Act to amend the Act respecting the erection and division of Parishes, and the building and repairing of Churches, Parsonage Houses and Church Yards and Fabrique Meetings.

[Assented to 15th October, 1863.]

Preamble.

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

Sect. 20 of Con. Stat. L. C. c. 18 amended.

1. The first, second and third sub-sections of the twentieth section of chapter eighteen of the Consolidated Statutes for Lower Canada, are hereby repealed, and the following substituted therefor :

Proceedings for election of new Trustees in certain cases.

“ 20. In case of the death, serious illness, madness or lunacy, removal of domicile out of the parish or mission, insolvency, legal excuse or incapacity of any of the Trustees, it shall be the duty of the Trustees remaining in office, or one of them, to require the *Curé* or Missionary administering the parish or mission, to call a meeting of the inhabitants of the parish or mission for the purpose of electing one or more Trustees in the place of him or those whose places are to be filled ;”

Meeting for such election to be called by the *curé*, &c.

“ 2. Upon the requisition of the Trustees remaining in office, or one of them, it shall be the duty of the *Curé* or Missionary administering the parish or mission, to call such meeting and proceed to the election required ; and such meeting shall be called, presided over and held, and such election shall be conducted in the manner prescribed for the election of the first Trustees who remain in office ;”

In default commissioners to appoint.

“ 3. If the Trustees, *Curé* or Missionary, refuse or neglect to proceed to the election of such Trustees, then, on the petition of the majority of the freeholders, the inhabitants of the parish or mission may apply to the Commissioners for their appointment, but the Trustee or Trustees so appointed must possess the qualification required by the eighteenth section of this Act ;”

If the election is had.

“ 4. If at such meeting the election is proceeded to, the Chairman shall proclaim the person who shall have received the majority of votes, elected ; and a minute thereof shall be entered on the Register of the Fabrique, signed by the Chairman and the Secretary, or by two witnesses.”

Sect. 22 of the said Act repealed.

2. The first paragraph of the twenty-second section of chapter eighteen of the Consolidated Statutes for Lower Canada is repealed, and the following substituted therefor :

"22. As soon as the Commissioners have made an order approving the election of the Trustees, and authorizing them to make an assessment and to levy the sums assessed, the Trustees shall proceed to draw up an act of assessment, which shall comprise a specification of the work to be done and a detailed estimate of the expenses, known and unforeseen, which they deem necessary for the construction or repairs in question; and also an exact statement of all the lands and other immovable property situate in the said parish or mission, (excepting that of *fabriques*, churches and buildings occupied as educational establishments, as also the lands on which they are erected, or which is attached to or forms part of such establishments, which are not liable to such assessment,) showing the extent and value of each lot, the name of the real or supposed owner, and the proportionate sum of money (and the quantity of materials, if any,) which they have assessed on each lot towards the necessary expenses of such construction or repairs."

New section substituted.

Act of assessment, when and how to be made: and what it must contain.

3. The fifth sub-section of the twenty-second section of the said chapter eighteen of the Consolidated Statutes for Lower Canada, is amended, by adding the following words at the end of the said sub-section:

Sub-sect. 5 of s. 22, amended.

"And resides in the said parish."

4. In case the Trustees shall be themselves unable to collect the amounts assessed, and they deem it expedient to employ a clerk or agent for that purpose, it shall not be lawful for them to pay for that purpose more than two per centum of the amount collected by such clerk or agent, and they shall not in their accounts charge any other costs of collection, nor demand any compensation for their trouble or services, excepting for their indispensable travelling expenses, to appear before the Commissioners or before the Court; and in case of proceedings before the Commissioners, travelling expenses shall be allowed to one Trustee only, who may, by letter of Attorney, be appointed to act for the other Trustees, or a majority of them.

Allowance for a clerk to the Trustees limited: also their own expenses.

5. The twenty-sixth section of the said eighteenth chapter of the Consolidated Statutes for Lower Canada, is repealed, except in so far as it relates to causes pending at the time of the passing of this Act, and the following section is substituted therefor:

New section in place of section 26.

"26. Whenever the amount to be so levied on any person, does not exceed twelve dollars, it shall be levied and payable in equal quarterly payments, to be computed from the date of the homologation of the Act of Assessment, and not otherwise; but when it exceeds that amount, it shall be levied and payable in twelve equal instalments, payable quarterly, to be computed from the date of the said homologation."

How the assessments on each person shall be levied.

Sect. 32
amended.

6. The thirty-second section of chapter eighteen of the Consolidated Statutes for Lower Canada, shall be amended, by adding the following words at the end thereof :

Date and
amount of
hypotheq
assessment.

“ And such hypotheq shall date from the day of the deposit of the Act of Assessment made by the Trustees, in conformity with the second subsection of the twenty-second section of the said chapter, and such hypotheq shall be for the amount with which the property is charged by the said Act of Assessment, as finally homologated by the Commissioners.”

Assessment for
paying debts
due on
buildings of
which a
Fabrique has
taken posses-
sion, without a
previous
assessment.

7. When a *fabrique* shall have taken possession of a church, sacristy, parsonage house, or public hall, and any one of such buildings shall have been erected or repaired before or after the civil erection of the parish, without the inhabitant freeholders of the parish having had recourse to the authority of the Commissioners and to a compulsory assessment, and moneys shall remain due to the builder or contractor of such building, or to the party who shall have lent or advanced moneys to defray the expenses of erection or repairs, in whole or in part, or to both of them, and the said *fabrique*, having applied such building to the purpose for which it was erected or repaired, have ascertained the impossibility of paying such debts by means of the revenues at its disposal, such *fabrique* may, after an authorization to that effect given by a meeting of the parish, regularly called, apply to the Commissioners in order that the Church-wardens in office may be authorized to levy upon the Catholic freeholders of the parish the sum required for the payment of the said debts,—and the said Church-wardens shall, in relation thereto, observe all that is prescribed by the twenty-second section of chapter eighteen of the Consolidated Statutes for Lower Canada ; provided always that the said Church-wardens, with the consent of the said Commissioners, may exempt those of the said freeholders who shall have contributed towards the said erection or repairs, by voluntary subscriptions, from a portion or from the whole of the said assessment, according to the amount so paid by the said freeholders, deducting therefrom any amount which may have been repaid to them.

Proviso :
Exemption of
those who have
voluntarily
contributed.

Fees to Com-
missioners'
Secretary
limited.

8. It shall not be lawful for the Secretary of the Commissioners to demand and receive for his services any sums exceeding those hereinafter fixed :

1. On the application for the civil erection of a parish, fifteen dollars ;

2. On an application for an assessment for the building of a Church, including a copy of the judgment of homologation, fifteen dollars ;

3. On any proceeding to replace a trustee, five dollars ;

4. In case of contestation it shall be lawful for the Commissioners to fix an adequate remuneration, paying due regard to the additional proceedings arising out of such contestation.

9. This Act shall be interpreted, to all intents and purposes, as forming part of Chapter eighteen of the Consolidated Statutes for Lower Canada.

Interpretation
of this Act.

C A P . X I .

An Act to facilitate and diminish the cost of the collection of School Rates.

[Assented to 15th October, 1863.]

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

Preamble

1. All the powers conferred on Municipal Councils by sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of the fifty-ninth section of chapter twenty-four of the Consolidated Statutes for Lower Canada, are extended to the Corporations of Common Schools in Lower Canada for all purposes relating to the collection of school taxes and contributions.

Certain powers
of Municipal
Councils
extended to
School Cor-
porations.

2. The powers and duties conferred upon and discharged by the Mayors and Secretaries of Municipal Councils, are conferred upon and shall be discharged by the Chairman and Secretary-Treasurers of Commissioners or Trustees of Common Schools for the purposes mentioned in the foregoing section.

Powers of
Mayors, &c.,
by whom to be
exercised.

C A P . X I I .

An Act to amend the Act respecting the partition of Township Lands held in common.

[Assented to 15th October, 1863.]

WHEREAS it has become necessary that certain amendments should be made to the forty-fourth chapter of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting the partition of Township Lands held in common* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Cap. 44, Con-
Stat. L. C.

1. For the removal of doubts as to the legality of the Commission issued under the twelfth section of the said Act, the

Appointments
to fill vacancies
said

in Commission
declared valid.

said Commission is hereby declared to have been legally issued, and the Governor has and shall have power to fill vacancies that have occurred or may occur in the said Commission, by death, resignation or removal.

Certain parties
allowed further
time to file
their claims.

2. Notwithstanding the expiration of the delay within which application should have been made by non-resident proprietors under the provisions of the tenth section of the said Act, (the year 1858 being by error printed 1865 in the English version of the said Act), Daniel Austin, of the Township of Stanstead, in this Province, and Clarence Pell, of the City of New York, in the United States of America, claiming to be non-resident proprietors of certain shares and interests in the said lands, and having already made application to the Provincial Secretary for the allowance of their respective claims, it shall be lawful for the said Daniel Austin and Clarence Pell, and they are hereby empowered to present their said claims to the said Commissioners appointed and acting under the twelfth section of the said Act, and the said Commissioners after having examined the titles of the said claimants, shall report to the Commissioner of Crown Lands the extent in acres to which the share of each of them in the said lands amounts, if it be found that he has any share therein; and if it be found that he has no share therein, the Commissioners shall report accordingly.

Commissioners
to report
thereon.

Valuation of
claimants'
rights, and
issue of scrip
therefor.

3. The share of each such applicant shall be valued at the same rate at which the shares of other holders of similar rights have already been valued; and each such applicant shall be entitled to receive scrip for the amount thereof so valued, of the same description, in the same manner, and upon the conditions mentioned in the twelfth section of the said Act.

Provisions of
sect. 13 to
apply.

4. The said Commissioners in reporting upon the claims of non-resident proprietors, shall be guided by the provisions contained in the thirteenth section of the said Act.

C A P . X I I I .

An Act to amend the Common Law Procedure Act of Upper Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS doubts have arisen as to the meaning of the two hundred and fifty-seventh, two hundred and fifty-eighth, and two hundred and fifty-ninth sections of the Common Law Procedure Act, being the twenty-second chapter of the Consolidated Statutes for Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How sects. 257
and 258 of Cap.

1. Whenever the word "mortgagor" occurs in the said sections, it shall be read and construed as if the words
"his

"his heirs, executors, administrators, or assigns, or person having the equity of redemption" were inserted immediately after such word "mortgagor"; and the equity of redemption in any freehold mortgage of real estate shall be saleable under an execution at law against the lands and tenements of the owner of such equity of redemption in his lifetime, or in the hands of his executors or administrators after his death, subject to such mortgage, in the same manner as any lands and tenements can now be sold under an execution at law.

22, of Con. Stat. U. C. shall be construed.

2. Section two hundred and forty-nine of the said Act shall be amended by inserting after the word "expiration" in the said section, the words "and so from time to time during the continuance of the renewed writ;" and such words shall be hereafter read and construed as constituting part of the said Act.

Sect. 249 of the said Act amended.

C A P . X I V .

An Act to amend the Act respecting County Courts in Upper Canada.

[Assented to 15th October, 1863.]

WHEREAS doubts have arisen on the construction of section sixty-eight of the Act respecting County Courts, being chapter fifteen of the Consolidated Statutes for Upper Canada, in cases where the beneficial Plaintiff or Plaintiffs are not parties to the record; and it is expedient to remove such doubts; and whereas it is also expedient to make certain other provisions as to County Courts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Con. Stat. U. C. c. 15.

1. The words "party wishing so to appeal," used in section sixty-eight of the said Act respecting County Courts, shall for all purposes be taken and held to mean as well parties suing in the names of others though not named on the Record, as parties so named, and the words "himself and" between the words "by" and "two" shall be struck out of the said section and omitted therefrom.

Parties suing: included under s. 68, though not named in the Record.

2. The sixty-seventh section of the said Act is hereby amended, by inserting the words "points reserved or upon" between the words "upon" and "any" in the said last mentioned section.

Sect. 67 amended.

3. And as respects Interpleader Proceedings,—it is enacted that in case any claim be made to any goods or chattels, taken or intended to be taken under an attachment against an absconding debtor or in execution under any process issued out of any County Court or to the proceeds or value thereof, as mentioned in the Act chapter thirty of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Interpleading*, all the proceedings

In what County Court the proceedings in Interpleader shall be had.

Con. Stat. U. C. c. 30.

Proviso.

proceedings mentioned and provided for in the said Act, shall be had and taken in the County Court, (or before the judge thereof) of the County or Union of Counties in which such goods or chattels are so taken or intended to be taken, any thing in the said Act to the contrary notwithstanding; Provided always, that it shall be lawful for the said Court or Judge in any such case, if, upon the return of the rule or order mentioned in the said Act, it shall appear more convenient and more conducive to the ends of justice so to do, to order that the said proceedings be had and taken in the County Court (or before the Judge thereof,) from which such process issued.

Appeal given to parties dissatisfied in Interpleader cases in County Courts.

4. Any party to any cause or proceeding before any County Court or County Judge under the said Act chapter thirty of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Interpleading*, who may be dissatisfied with the decision of such Court or Judge upon any question of Law or fact arising in the course of such proceeding may appeal from such decision to either of the Superior Courts of Common Law for Upper Canada, and the said sixty-seventh and sixty-eighth sections of the said Act respecting County Courts in Upper Canada, as amended by this Act, shall extend and apply to and shall regulate and govern the manner of prosecuting and determining such appeal.

C A P . X V .

An Act respecting Sales of Land under execution against executors and administrators.

[Assented to 15th October, 1863.]

Preamble.

Imp. Act 5 Geo. 2 c. 7, cited.

WHEREAS the Courts in Upper Canada have held that under the Imperial Act of fifth George Second, Chapter seven, Section four, the title of a testator or intestate in real estate in Upper Canada, might be seized and sold under a judgment and execution, by a creditor of the testator or intestate recovered against an executor or administrator of the deceased, in the same manner and under the same process, that the same could be seized and sold if the said judgment and execution had been against the testator or intestate if living, and many sales have taken place, and titles been acquired under such proceedings, and it is desirable to quiet the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Interest in real estate in U. C. declared seizable on a judgment against an executor, &c.

1. Under the said imperial Statute, the title and interest of a testator or intestate in real estate in Upper Canada, might be, and hereafter may be seized and sold under a judgment and execution recovered by a creditor of the testator or intestate, against his executor or administrator, in the same manner and under

under the same process that the same could be sold under a judgment and execution against the deceased if living.

2. All such sales heretofore made and titles given thereunder are hereby declared to have passed and conveyed the title or interest of the testator or intestate in his real estate so sold and conveyed, as against any objection that may be made on the ground that real estate could not be seized and sold in manner aforesaid under the said Act; Provided always that this Act shall not affect any case pending at the time of the passing of this Act in or theretofore finally adjudged by the Courts of Law or Equity in Upper Canada.

Sales under such seizure confirmed.

Proviso: act not to affect pending or decided cases.

C A P . X V I .

An Act to extend the provisions of the two hundred and seventy-fifth section of the Act "*respecting the Municipal Institutions of Upper Canada*," and to provide for the Election of Councillors in the several townships of Upper Canada, whenever the same may be divided into Electoral Divisions under the authority of the said section.

[Assented to 15th October, 1863.]

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

Preamble.

1. Whenever a township in Upper Canada is divided into Electoral Divisions, and polling places established therein, and Returning Officers appointed therefor, under and by the provisions of the two hundred and seventy-fifth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, a meeting of the Electors for such township shall take place on the last Monday but one in the month of December, before the Annual Election, as provided by the said Act, at ten of the clock in the forenoon, for the nomination of candidates, for the Councillors to be elected for the said township, at the Township Hall, if there be one in the said township, but if there be no Township Hall, then at the place where the first meeting of the Council of the said township was held for the then current year; and the Township Clerk shall give the notice required by section ninety-seven, of chapter fifty-four, of the Consolidated Statutes for Upper Canada.

Meeting for the nomination of candidates.

Notice.

2. The Township Clerk shall preside at such meeting, or in case of his absence, through sickness or otherwise, the Council shall appoint a person to preside in his place; and if the Clerk or the person so appointed does not attend, the electors present shall choose a chairman, being an elector, to officiate from among themselves.

Who shall preside.

Powers.

3. Such clerk or person so appointed, or chairman so chosen, shall have all the powers of a Returning Officer.

If only five candidates are proposed.

4. If only five candidates have been within one hour proposed by any of the electors present at such meeting, the clerk or person so appointed to preside, or chairman so chosen, as the case may be, shall declare such candidates duly elected Councillors to serve for the then next following year.

If more than five.

5. If more than five candidates shall be proposed at such meeting, and any candidate proposed after the first five, or any elector on his behalf shall demand a poll, the said clerk or person so appointed, or chairman so chosen shall, on the following day, post up in the office of the clerk the names of the candidates so proposed, and give notice of the names to the Returning Officer appointed for each and all the said Electoral Divisions.

Notice to returning officer.

If no poll is demanded.

6. In case of the nomination of more than five candidates, and no candidate nominated after the first five, or no elector on his or their behalf then demanding a poll as aforesaid, the clerk or person so appointed, or chairman so chosen, shall declare such five candidates first nominated, duly elected Councillors to serve as aforesaid.

If a poll is demanded.

Proceedings for holding it.

7. In case of a poll being so demanded, the Returning Officer for each Electoral Division, in such township, shall cause a poll to be opened at the polling place appointed in such Division, on the first Monday in January following, and shall take the votes in the same way and keep the poll open for the full time required by law for taking the votes, in cases where no Electoral Division shall be established.

Poll book to be returned, attested on oath.

8. Every Returning Officer shall, on the day after the close of the poll, return the poll-book to the Township Clerk, verified under oath before the said clerk, or any Justice of the Peace, for the county or union of counties in which the said township may lie, as to the due and correct taking of the votes for the said Electoral Division.

Counting the votes and declaring the candidates elected.

9. The Township Clerk or person so appointed, or chairman so chosen as aforesaid, shall add up the number of votes set down for each candidate in the respective poll-books, and ascertain the aggregate number of votes, and shall at the Township Hall, or such other place at which the nomination was held, at noon of the day following the return of the poll-books, publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected, the five candidates respectively standing the highest on the poll.

10. In case two or more candidates have an equal number of votes, the said clerk, whether otherwise qualified or not, shall give a vote for one or more of such candidates so as to decide the election; and except in such case, no Township Clerk shall vote at any such election. Casting vote in case of ties.

11. This Act shall be taken and read as part of the Act, intituled: *An Act respecting the Municipal Institutions of Upper Canada.* Construing this Act.

C A P. X V I I.

An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for Educational purposes in certain securities, and to legalize such investments already made, and for other purposes.

[Assented to 15th October, 1863.]

WHEREAS Municipalities in Upper Canada, desiring to invest any of the moneys accruing to them from the Upper Canada Municipalities Fund, are bound by law to make such investments by purchasing Provincial, Consolidated Loan Fund, or Municipal Debentures, and it is expedient that further discretion should be allowed them as regards such investments; and whereas it is also expedient to authorize Boards of School Trustees to borrow such moneys from Municipal Corporations for the purchase of school sites or the erection of school-houses, or having surplus moneys for educational purposes, to invest the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. From and after the passing of this Act, any Municipal Corporation having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power, by By-law, to set such surplus apart for educational purposes, and to invest the same, as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in first mortgages secured on real estate, held and used for farming purposes, and to be the first lien on or against such real estate, and from time to time, as such securities mature, to invest in other like securities, or in the securities already mentioned by law, as may be directed by such by-law, or by other by-laws passed for that purpose; Provided always, that no Municipal Corporation shall invest in such real estate, securities within the limits of its own Municipality, nor shall any sum, so invested, exceed one-third of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. Such surplus moneys may be set apart for education and invested in what securities. Proviso: as to investment on real property.

Former invest-
ments con-
firmed.

2. And whereas several Municipalities have heretofore invested moneys derived from the said fund and set apart for special purposes, in real estate security, be it enacted that such investments shall be legal and valid.

Boards of
School Trus-
tees in cities
and towns may
invest surplus
moneys, in like
manner.

3. The Board of School Trustees of any city or town in Upper Canada, having surplus moneys for educational purposes, may invest the same in the purchase of Provincial, Consolidated Loan Fund, or Municipal Debentures, or in such securities as are described in the first section of this Act, subject to the provisions, conditions, limitations and restrictions therein contained; and any by-law or resolution of any such Corporation heretofore made for authorizing any such investment, under which any such money has been so invested, shall be held to be a good and valid by-law or resolution.

Municipalities
may loan such
surplus to
School Trus-
tees.

4. Any Municipal Corporation having surplus moneys derived from the Upper Canada Municipalities Fund, shall have power by by-law to set such surplus apart for educational purposes, and to invest the same in a loan or loans to any Board or Boards of School Trustees within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law.

School Trustees
may borrow the
same for cer-
tain purposes,
with consent of
freeholders,
&c.

5. Any Board of School Trustees may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any Municipal Corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school-house or school-houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only.

Liability of
Municipal
Councillors or
School Trus-
tees, investing
otherwise than
authorized by
law.

6. Any member of any Municipal Corporation or Board of School Trustees, who shall take part in, or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the Corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh section of the Act respecting Clergy Reserves, or by any other law in that behalf made and provided, shall be held personally liable for any loss sustained by such Corporation, and shall also be guilty of a misdemeanor, and be liable to conviction in any Court of competent jurisdiction in Upper Canada, and upon conviction may be sentenced to fine or imprisonment, or both, in the discretion of such Court.

Act limited to
U. C.

7. This Act shall apply to Upper Canada only.

CAP. XVIII.

An Act relative to Summary Convictions under Municipal By-Laws in Upper Canada.

[Assented to 15th October, 1863.]

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

Preamble.

1. It shall not be necessary in any conviction made under any By-Law of any Municipal Corporation in Upper Canada to set out the information, appearance or non-appearance of the defendant, or the evidence or By-Law under which the conviction is made, but all such convictions may be in the form given in the Schedule of this Act.

Form of conviction in Schedule to be sufficient.

2. In prosecuting under any By-Law, or for the breach of any By-Law, witnesses may be compelled to attend and give evidence, in the same manner and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily under the Statutes now in force in Upper Canada.

Witnesses may be compelled to give evidence.

3. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any By-Law of any Municipality in such County.

Who shall have jurisdiction.

4. The word "County" in this Act and in the Schedule thereof shall include United Counties.

Interpretation.

5. This Act shall only apply to Upper Canada.

Act limited to U. C.

SCHEDULE.

PROVINCE OF CANADA,)
 County of ,)
 To wit. ,)
 BE IT REMEMBERED, that
 on the day of , A. D. , at
 , in the County of ,
 A. B. is convicted before the undersigned, one of Her Majesty's
 Justices of the Peace in and for the said County, for that the
 said A. B. (*stating the offence, and time and place, and when
 and where committed*), contrary to a certain By-Law of the
 Municipality of the of ,
 of , in the said County
 of ; passed on the day of , A. D. and intitled:
 (*reciting the title of the By-Law*); and I adjudge the said
 A. B., for his said offence, to forfeit and pay the sum of ,
 to be paid and applied according to law, and also to pay to C.
 D., the complainant, the sum of , for his costs in this
 behalf. And if the said several sums be not paid forthwith,
 (*or, on or before the day of , A. D.*
 , *as the case may be*), I order that the same be levied by
 distress

distress and sale of the goods and chattels of the said A. B. ; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common Jail of the said county of (or, in the public Lock-up at), for the space of days, unless the said several sums, and all costs and charges of conveying the said A. B. to such Jail (or Lock-up), shall be sooner paid.

Given under my hand and seal, the day and year first above written, at , in the said County.

J. M., J. P.

[L. S.]

C A P . X I X .

An Act to amend the Consolidated Assessment Act of Upper Canada, in respect to Arrears of Taxes due on non-resident Lands, and for other purposes respecting Assessments.

[Assented to 15th October, 1863.]

Preamble.

FOR the greater protection of persons owning non-resident lands in Upper Canada, and also for the more sure collection of the taxes thereon : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Treasurer of County to furnish list of lands on which taxes are in arrear for five years to Clerks of local Municipalities.

1. The treasurer of every county in Upper Canada shall furnish to the clerk of each municipality in the county a list of all the lands patented or described for patent in his municipality, in respect of which any taxes shall have been in arrear for five years preceding the first day of January in any year, and the said list shall be so furnished during the month of January in every year, and shall be headed in the words following—"List of Lands liable to be sold for arrears of taxes in the year 18—" And for the purposes of this Act, the taxes for the fifth year preceding shall be deemed to have been due for five years, although the same may not have been placed upon a collection roll until some month in the year later than the month of January.

Clerks of municipalities to send copies to Assessors.

2. The clerk of every municipality in each county is hereby required to keep the said list so furnished by the county treasurer, on file in his office, subject to the inspection of any person requiring to see the same ; and he shall also deliver to the assessor or assessors of the municipality each year, as soon as such assessor or assessors are appointed, a copy of such list ; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, and to notify such occupants and the owners thereof if known of the amount of taxes due on each such lot, and enter

Duty of Assessor : as to lands on his list.

enter in a column (reserved for the purpose) the words "occupied, and parties notified," or "not occupied, and parties notified," as the case may be; all such lists shall be signed by the assessor or assessors, and returned to the clerk with the assessment roll, and the clerk shall file the same in his office for public use; and every such list, or copy thereof, certified by the clerk, shall be received in any court as evidence in any case arising concerning the assessment of such lands; and the duties hereinbefore imposed upon the treasurer of any county or union of counties, and the clerk and assessor or assessors of any municipality, or counties, shall be performed by the chamberlain or treasurer, and the clerks and assessors of cities and towns withdrawn from the jurisdiction of the council of the county in which such cities and towns are situate.

Lists to be returned to County Clerk.

As to Unions of Counties and Cities, &c.

2. All Assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

Assessors' certificate.

"I do certify that I have examined all the lots in this list named, and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known, and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief."

Oath.

3. The clerk of each municipality shall, after the assessment roll for the current year shall have been returned to him by the assessors, examine the roll, and ascertain whether any lot embraced in the said list last received by him from the county treasurer is entered upon the roll of the year as then occupied; and the said clerk shall, on or before the fifteenth day of May in each year, furnish to the county treasurer a list of the several lands which shall appear on the resident roll to have become occupied, and the said county treasurer shall, on or before the first day of July in the then current year, return to the clerk of each municipality an account of all arrears of taxes due in respect of such occupied lands; and the clerk of each municipality shall, in making out the collector's roll of the year, add and include such arrears of taxes to the taxes assessed against such occupied lands for the then current year, and such arrears shall be collected by the collectors of the municipalities in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll.

Clerks to ascertain lands occupied from assessment rolls, and make returns to County Treasurer.

County Treasurer to certify arrears.

Arrears to be placed on the Collector's roll.

4. The treasurer and sheriff of every county shall not be required to inquire before sale of lands for taxes whether there is any distress upon the land, nor shall they be bound to inquire into or form any opinion of the value of the land; and if any taxes in respect to any lands sold by the sheriff after the passing of this Act, shall have been in arrears for five years, as in the first section of this Act mentioned, preceding the first day of January in the year in which the sheriff shall sell the said land,

County Treasurer and Sheriff not bound to enquire for distress or as to value of land before sale for taxes.

Sheriff's title to lands five years in arrears to be final after one year.

land, and the same shall not be redeemed in one year after the said sale, such sale and the sheriff's deed to the purchaser of any such lands (provided the said sale shall be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them.

Treasurer not to include in his warrant lands not in his January lists or which have become occupied.

5. The said treasurer of the county shall not issue his warrant to the sheriff for the sale of any lands which have not been included in the list furnished by him to the clerks of the several municipalities, in the month of January of the year in which he shall issue his warrant, nor of any of the lands which have been returned to him as being occupied under the provisions of the third section of this Act.

Penalties, for contravention of this act.

6. If the clerk of any such municipality shall neglect to preserve the said list furnished to him by the county treasurer for the year in which the same shall be furnished, or to furnish such lists as aforesaid to the assessor or assessors, or shall neglect to return to the county treasurer a correct list of the lands which have come to be occupied, as directed in the third section of this Act, or if any assessor or assessors shall neglect to examine such lands as are entered on each such list, and make return in manner hereinbefore directed, every person making such default shall, on summary conviction thereof before any two justices of the peace having jurisdiction in the county of which the municipality shall form a part, be liable to the penalties imposed by sections one hundred and seventy-one and one hundred and seventy-three of the act relating to the assessment of property, in Upper Canada, chapter fifty-five of the Consolidated Statutes for Upper Canada, to be recovered by distress and sale of any goods and chattels of the party making default.

How recoverable.

7. That part of section ninety-eight of the said Act, commencing with the words, in the fifth line, "*or in case of*" to the end of the section, is hereby repealed.

Section 98 Con. Stat. U. C. cap. 55, repealed in part.

8. All that part of section three of the Act passed in the twenty-fourth year of Her Majesty's reign, intituled: *An Act to amend the Assessment Act*, after the words, "Municipal Council," in the fifth line, to the end of the section, is hereby repealed, and the following words shall be inserted instead thereof:—"at any time before the first day of May in the year next following that in which the assessment is made, it shall be lawful for such council to try such complaint and decide upon the same; provided always, that this clause shall not affect any assessments made prior to the present year one thousand eight hundred and sixty-three.

Section 3 of 24 Vict. cap. 38, repealed.

New provision.

9. Unpatented land, vested in or held by Her Majesty, which shall hereafter be sold or agreed to be sold to any person,

In what cases unpatented

or

or which shall be located as a free grant, shall be liable to taxation from the date of such sale or grant, and any such land which has been already sold or agreed to be sold to any person or has been located as a free grant, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and sixty-three, and all such lands shall be liable to taxation thenceforward, under the Act respecting the assessment of property in Upper Canada, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or shall or shall not be issued, and (in the case of sale or agreement of sale by the Crown) whether any payment has or has not been, or shall or shall not be made thereon, and whether any part of the purchase money is or is not over-due and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such land.

lands shall be liable to taxes.

Rights of Crown saved

10. The one hundred and thirty-eighth section of the said Act respecting the assessment of property in Upper Canada shall apply to all sales and conveyances which may be hereafter made under the authority of this Act.

Sect. 138 of Con. Stat. U. C. C. 55, to apply to all sales under the said Act.

11. Section one hundred and eight of the said Act, chapter fifty-five of the Consolidated Statutes for Upper Canada shall be amended, by inserting after the word "granted," in the third line, the words "sold, or agreed to be sold by the Crown:"

Sect. 108 amended.

12. Section one hundred and three of the said Act, chapter fifty-five of the Consolidated Statutes for Upper Canada shall be amended, by substituting "May" for "March," in the third line.

Sect. 103. amended.

C A P . X X .

An Act for the protection of Sheep in Upper Canada.

[Assented to 15th October, 1863.]

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

Preamble.

1. It shall be lawful for any person to kill any dog in the act of pursuing, or worrying, or destroying sheep, elsewhere than on land belonging to the owner of such dog.

Dogs worrying sheep may be killed.

2. On complaint made in writing on oath before any Justice of the Peace, for any city, town or county, or union of counties in Upper Canada, that any person residing in such city, town or county, or union of counties, owns or has in his possession a dog which has within six months previous worried and injured or destroyed any sheep, such Justice of the Peace may

Persons owning dogs addicted to worrying may be summoned before a Justice of the Peace.

issue his summons, directed to such person, stating shortly the matter of such complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer to such complaint, and to be further dealt with according to law.

Proceedings
how regulated.

3. The proceedings on such complaint and summons shall be regulated by the *Act respecting the duties of Justices of the Peace out of Sessions; in relation to summary convictions and orders*, which shall apply to cases under this Act.

On conviction
of the fact, dog
may be ordered
to be destroyed
and owner
fined.

4. In case any person is convicted on the oath of a credible witness, of owning or having in his possession a dog which has worried and injured or destroyed any sheep, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence,) within three days, and in default thereof, may in his discretion impose a fine upon such person, not exceeding twenty dollars with costs; and all penalties imposed under this Act shall be applied to the use of the Municipality in which the defendant resides.

Conviction no
bar to action
for damages.

5. No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep for the recovery of damages for the injury done to such sheep, in respect of which such conviction is had.

Not necessary
to prove that
the owner
knew the
propensity of
the dog.

6. It shall not be necessary for the plaintiff in any action of damages for injury done by a dog to sheep, to prove that the defendant was aware of the propensity of the dog to pursue or injure sheep; nor shall the liability of the owner or possessor, as aforesaid, of any dog in damages for any injury done by such dog to any sheep, depend upon his previous knowledge of the propensity of such dog to injure sheep.

Plea to action
for killing a
dog.

7. The defendant in any action of damages for killing a dog under the first section of this Act, may plead the general issue and give this Act and the special matter in evidence.

Act limited to
U. C.

8. This Act shall apply to Upper Canada only.

C A P . X X I .

An Act to amend the law respecting the Recorder's Court of the City of Quebec.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS it is necessary to amend the existing legislative provisions respecting the Recorder's Court of the City of Quebec: Therefore, Her Majesty, by and with the advice

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

1. The said Recorder's Court may, by a Writ of Summons in the manner prescribed by law, order any debtor of the Corporation of the said city, residing in the district of Quebec, to appear before it in any civil action over which it now has jurisdiction:

Summons to any part of district.

2. If such debtor resides without the limits of the said city, but within the limits of the said district, there shall be added to the required interval of two days, between the service and the return of a summons, when the defendant resides in the said city, an interval of one day for every five leagues of distance between the said city and the domicile of the defendant, between the service of the summons and the return thereof before the said court; and every fraction of a league shall be reckoned as a league;

Delay between service and return.

3. If the proprietor or possessor of vacant or unoccupied immovable property in the said city is absent from the Province, and such immovable property is subject to the payment of any assessment, tax or due whatever to the corporation of the said city, then such proprietor shall be proceeded against in the manner prescribed by law (*mutatis mutandis*) for the summoning of absent debtors; provided such assessment taxes due exceed forty dollars.

Proceedings if debtor be absent from the Province, and owes over \$40.

2 Execution against the property of a debtor shall not issue until eight days after the rendering of the judgment against him:

Delay for execution.

2. The costs in every civil action, or in every complaint or prosecution, shall be taxed by the clerk of the said court, or his deputy, subject to an appeal from such taxation to the said court, whose judgment in this respect shall be final;

Taxation of costs.

3. In case a defendant has no movable effects or property within the district of Quebec, or if the said property is insufficient for the payment and satisfaction in principal, interest and costs of the judgment rendered against him, but possesses immovable property in the said district, a Writ *de terris*, addressed to the Sheriff of the said district, may be issued out of the said court; and the procedure in that case shall be that prescribed by the Act twenty-four Victoria, chapter twenty-six; Provided always, that the said judgment be for a sum exceeding ten pounds sterling.

Writ *de terris* if debtor's movables are insufficient.

Proviso.

3. In case of the seizure in execution of the movable effects and property of a defendant, every creditor of such defendant having a right to make an opposition *afin de conserver* on the moneys arising from the sale of the said property, may place such opposition in the hands of the Bailiff making the seizure,

Oppositions *afin de conserver*, how made and decided.

Appeal in cases
over \$100.

seizure, and the said Recorder's Court shall hear and determine the said opposition according to law; and when the amount claimed exceeds one hundred dollars there shall be an appeal to the Superior Court.

Form of con-
victions.

4. The form of convictions for offences over which the said court has jurisdiction, shall be (*mutatis mutandis*) that used for convictions in the Court of General Quarter Sessions of the Peace for the district of Quebec.

Defect of
form may be
amended.

5. No civil action, procedure or proceeding, and no complaint or prosecution for any offence over which the said Recorder's Court has jurisdiction shall be void for defect of form or for deficiency of allegation, or by reason of misnomer; but the said court may order such action, procedure or proceeding, complaint or prosecution to be amended, if it thinks necessary for purposes of justice.

As to suits
under By-laws.

6. It shall not be necessary to allege or to prove that any By-law of the Council of the said city has been transmitted to the Governor in Council, but such transmission shall be presumed until the contrary is proved.

Sect. 22 of
24 V. c. 26,
amended.

7. Section twenty-two of the Act last above cited is hereby amended by adding to it, after the words "shall be imprisoned," the words "and kept at hard labor," should the court so order.

Sect. 30,
amended.

8. The following words shall be added at the end of the thirtieth section of the said Act, that is to say:—"And for this purpose the said Recorder shall have the powers conferred by the thirteenth chapter of the Consolidated Statutes of Canada."

Public Act.

9. A Public Act, to which the Interpretation Act applies.

C A P. XXII.

An Act to amend the provisions of the Act to incorporate the City of St. Hyacinth.

[Assented to 15th October, 1863.]

Preamble.

20 V. c. 131.

13, 14 V. c. 105.

16 V. c. 236.

WHEREAS it is expedient to repeal the Act passed in the twentieth year of Her Majesty's reign, chapter one hundred and thirty-one, intituled: *An Act to incorporate the City of St. Hyacinthe*; the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter one hundred and five, intituled: *An Act to provide more fully for the incorporation of the Village of St. Hyacinthe*; and the Act passed in the sixteenth year of Her Majesty's reign, chapter two hundred and thirty-six, intituled: *An Act*

to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter one hundred and five, intituled: *An Act to provide more fully for the incorporation of the Village of St. Hyacinthe*; the Act passed in the sixteenth year of Her Majesty's reign, chapter two hundred and thirty-six, intituled: *An Act to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits*; and the Act passed in the twentieth year of Her Majesty's reign, chapter one hundred and thirty-one, intituled: *An Act to incorporate the City of St. Hyacinthe*, are hereby repealed, and the inhabitants of the City of St. Hyacinth within the limits hereinafter prescribed, and their successors, shall be and are hereby declared to be a body corporate and politic in fact and in law, by the name of the "Mayor and City Council of St. Hyacinth;" and by that name they and their successors, shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts, and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter or modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding and departing with property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment or for securing payment of any sum of money borrowed or loaned, or for the execution or for guaranteeing the execution of any duty, right or thing whatsoever.

The said Acts repealed.

The inhabitants of the City of St. Hyacinth incorporated.

Corporate name and powers.

Contracts, bonds, notes, &c.

2. The said City of Saint Hyacinth shall be bounded as follows, to wit: on the south-west by the line dividing the *terrain des moulins* from that belonging to the estate of Eusebe Cartier from the mill causeway to the centre of Girouard Street; thence by a line passing through the centre of Girouard Street as far as the centre of Bourdages Street; thence by a line passing through the centre of Bourdages Street to the point where it intersects St. Claude Street, and thence, continuing along the line water-course separating the *Petit Rang* road from the *Fabrique* lands, as far as the lands in the *Petit Rang*; on the north-west by the separation line between the river lands of the *Petit Rang*; and the lands of the *Petit Rang* as far as the north-eastern limit of the city; on the north-east by the line which separates the land upon which is built the College of St. Hyacinth, from that which the corporation of the said college purchased from Antoine Charron dit Cabana, and on the south-east by the centre of the River Yamaska.

Boundaries of the City.

City divided
into four wards.

3. The said city shall be divided into four wards, which shall be respectively designated and known as "Ward Number One," "Ward Number Two," "Ward Number Three," and "Ward Number Four," and bounded as follows, that is to say :

Ward No. 1.

"Ward Number One" shall be bounded in front by the River Yamaska, on the north-east and in depth by the limits of the city, and on the south-west by the rear line of the emplacements lying on the north-east side of Ste. Marie Street from the River to Girouard Street, and thence by the same line prolonged to the limits of the city ;

Ward No. 2.

"Ward Number Two" shall be bounded in front by the said River, in depth by the limits of the City, on the north-east by Ward Number One, and on the south-west by a line drawn through the centre of Mondor Street, from the said river as far as Girouard Street, thence along the middle of Girouard Street, as far as the middle of Laframboise Street, and thence along the centre of Laframboise Street, and its continuation as far as the limits of the said city ;

Ward No. 3.

"Ward Number Three" shall be bounded in front by the said river, in depth by the limits of the city, on the north-east by Ward Number Two, and on the south-west by a line drawn through the centre of Ste. Anne Street from the river, and prolonged as far as the limits of the city ;

Ward No. 4.

"Ward Number Four" shall be bounded in front by the said river, in depth and on the south-west by the limits of the city, and on the north-east by Ward Number Three.

Neighbouring
lands may be
annexed to the
said city and
how.

4. Provided always that it shall and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the said City of St. Hyacinth, upon notice given by such proprietor to the municipal authorities of the said city of St. Hyacinth, and with the consent of the said authorities, signified by a By-law to be made by them to that effect in the usual manner, to demand and obtain that the said land shall be included within the limits of the said city, and so on successively, for other proprietors having property in like manner adjacent to properties thus successively included within the limits as aforesaid, and upon such property being included as aforesaid by By-law, the said proprietors whose properties shall be included, shall have and possess all the municipal privileges and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said city ; and provided also that upon the petition of the majority of the resident proprietors possessing by authentic title, lands within the extent of territory comprised between the road commonly called the *Petit Rang* road and the division line between Ovide Desilets,

A certain tract
of land may also
be taken into
the said city ;
and how.

Esquire,

Esquire, and Pierre Edouard Leclerc, Esquire, and bounded in front by the River Yamaska, and in depth by the line of the lands of the *Petit Rang*, it shall be lawful for the said City Council to include the said extent of territory within the said city, and when the said extent of territory shall have thus been included by a By-law of the said City Council, upon the petition of a majority of the proprietors as aforesaid, the proprietors whose properties shall have thus been declared included; shall possess all the municipal advantages and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the said city.

5. The Mayor and the Councillors of the said city at present in office shall remain, and they are hereby continued in office for the whole of the period for which they have been elected in virtue of the twentieth Victoria, chapter one hundred and thirty-one, and they shall hold office until the first Monday in January next after the expiration of their term of office in virtue of the said Act, notwithstanding the repeal of the said Act, and the officers appointed by the said Mayor and Town Council shall remain, and they are hereby continued, in their respective situations until their formal revocation by the said Council, or the natural expiration of their powers; and all By-laws, ordinances, agreements, provisions and engagements whatsoever, made and entered into by the said present Mayor and Council, or their predecessors in office, shall have and continue to have their full and entire effect, in the same way as if the said Acts, thirteenth and fourteenth Victoria, chapter one hundred and five, sixteenth Victoria, chapter two hundred and thirty-six, and twentieth Victoria, chapter one hundred and thirty-one, had not been repealed, and this, until the said by-laws, agreements and engagements shall have been regularly rescinded and abolished; and the said Council, as constituted in virtue of this Act, shall succeed to and be substituted in all the rights, powers, actions and claims of the Town Council of Saint Hyacinth as it was constituted by the thirteenth and fourteenth Victoria, chapter one hundred and five, sixteenth Victoria, chapter two hundred and thirty-six, and twentieth Victoria, chapter one hundred and thirty-one; the Council, at a regular meeting, shall elect from among the councillors duly elected a person to be Pro-Mayor, who shall, in the absence of the Mayor, have all the rights and powers conferred upon the Mayor of the said city by this Act.

Present Mayor, Councillors and Officers to remain in office, and By-laws, &c., to remain in force, notwithstanding repeal of former Acts.

Council substituted to that under the said Acts.

Election of a Pro-Mayor.

6. There shall be elected in the manner hereinafter mentioned a fit and proper person to be, and who shall be called the Mayor of St. Hyacinth, and two fit and proper persons to be Councillors for each ward of the said city; provided always, that as soon as the extent of territory mentioned in the fourth section shall have been included, as prescribed by the said clause, within the limits of the said city, the said extent of territory shall form a ward by the name of "Ward number Five,"

Elections of Mayor and Councillors.

Proviso: in case of annexation of territory.

Five," and the municipal electors of the said extent of territory shall elect, in the same manner and at the same time as the other wards of the said city, the Mayor and two Councillors to serve in the Council of the said city; And provided also, that when any one of the wards of the said city shall contain more than two hundred and fifty municipal electors, such ward shall have a right to elect three Councillors.

Proviso: for wards having more than 250 electors.

Qualification of Mayor.

7. No person shall be elected Mayor of the City of St. Hyacinth, without having resided and kept house in the said city during the year immediately preceding such election, nor without having and possessing for his own use, immovable property in the said city of the assessed value of one thousand dollars.

Qualification of Councillors.

8. The Councillors of the said city shall be chosen from among the inhabitant householders and proprietors of the said city, of the age of twenty-one years, and having freeholds therein of the assessed value of four hundred dollars; and no person shall be eligible to or capable of exercising the office of Mayor or of Councillor of the said city, if he is not actually residing in the said city.

Certain persons disqualified from being elected as Mayor or Councillors.

9. No priest or minister of any religious sect whatever shall, nor shall any Judge or Member of the Executive Council of this Province, nor any person who shall be accountable for the funds of the said city, nor any person who shall receive a salary from the said City Council for his services, nor any deputy or clerk employed at any such election, while he shall be so employed, nor any tavern-keeper or hotel-keeper, nor any person who shall have kept a tavern or hotel within the six months preceding the election, be elected Mayor or Councillor of the said city.

How Mayor or Councillors may become disqualified.

10. Every person holding the office of Mayor, Pro-Mayor, or Councillor of the said city, who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall cease to hold property to the sufficient assessed value, or who shall enter into Holy Orders, or shall become a minister of Religion in any religious sect, or who shall be appointed Judge or a Member of the Executive Council, or who shall become accountable for the revenue of the city, in whole or in part, or who shall receive any pecuniary allowance from the City Council for his services, or who shall absent himself from the said city, except on account of sickness, without authority from the Council, for more than two consecutive months, or who shall not attend the sittings of the said Council during the same period of two consecutive months, (except by reason of sickness or with the permission of the Council,) shall become, by any one of these circumstances *ipso facto* disqualified, and his seat in the said Council shall

shall become vacant, and such vacancy shall be filled according to the provisions of this Act.

11. The persons entitled to vote at the municipal elections of the said city shall be the male inhabitant freeholders and householders, of the age of twenty-one years, rated on the assessment roll of the said city, and in the actual possession of real estate in the said city, of the actual value of four dollars, and also the tenants, of the age of twenty-one years, who shall have resided and paid rent in the said city, at the rate of not less than twelve dollars per annum, for a house or part of a house, during six months immediately preceding such election; and also the leaseholders, of the age of twenty-one years, who shall have built on the property held on lease by them, houses which might be *bonâ fide* leased for twelve dollars per annum respectively; Provided always, that no person qualified to vote at any municipal election in the said city shall have the right of voting thereat, unless he shall have paid, at least three days before such election, all his accrued municipal assessment; and it shall be lawful for any municipal elector of the said city to require the production of the receipt of the Secretary-Treasurer of the said city, for such accrued assessment as aforesaid, or in case the said elector shall have lost his receipt, he shall then produce a certificate from the Secretary-Treasurer, proving the payment of such taxes within the time above mentioned, and in default of the production of such receipt or certificate, the said elector shall not be entitled to vote at such election.

Qualification of electors at Municipal Elections.

Proviso: Voter must have paid up all taxes, and prove the same if required.

12. The persons having a right to vote at the municipal elections as aforesaid shall vote in the particular wards in which the properties which qualify them to vote shall be situated respectively, and not elsewhere; and if any one possess properties which would give him a right to vote in two or more wards, he shall have a right to vote only in the ward in which he shall be domiciled at the time of such election.

In what wards electors are to vote.

13. The municipal elections of the said city shall be held on the first Monday in January in each year, or on the following day if such Monday is an obligatory holiday, and they shall be announced by public notice posted up during the fifteen preceding days in the Hall in which the sittings of the said Council shall be held, and at the door of the Parish Church, and published in a newspaper of the said city during the fifteen days which shall precede such election; and this notice shall be signed by the Mayor or by the Secretary-Treasurer of the said Council, and shall set forth the day, place and hour at which the said election shall be held in each of the wards of the said city.

Annual Municipal elections, and notices of them.

14. The Mayor of the said city shall be elected by a majority of the votes of all the electors of the said city qualified as aforesaid,

Election of Mayor.

aforsaid, given at the place appointed by the said City Council and set forth in the notice above mentioned.

Returning officer and his Deputies, and how appointed

15. Before the publication of the notices announcing such annual municipal election, the Council of the said city shall name one of its members who is not going out of office, to preside at and conduct such election, and to appoint the places where it shall be held in each of the wards; such Councillor having under him a deputy named and paid by the Council, for each of the wards of the said city, and for the poll at which the election of Mayor shall be made; the said deputies shall have the necessary qualifications for voting at such election, and it shall be lawful for them to have a Poll Clerk, if they think proper, whom they shall appoint by a writing under their hand and seal; and the polls shall be open in each of the wards for receiving and recording the votes, from nine o'clock in the forenoon to five o'clock in the afternoon of the day fixed for such election, in case the said election shall not be made by acclamation; and at the close of the poll, the said deputies shall declare the person or persons who shall have received the greatest number of votes, duly elected Mayor or Councillors of the said city; in case two or more candidates for the office of Mayor have an equal number of votes, the Councillor presiding at the election shall give a casting vote in favor of one of them; and in case candidates for the office of Councillor at one poll have an equal number of votes, the deputy acting at such poll shall give his vote in favor of one of the candidates; and the Councillor presiding at the election shall give notice in writing of their election, to the persons who shall have been elected, within the three days next after such election.

Poll Clerks.

Polls.

Declaration of candidates elected.

And notice to them.

Oath of Deputy Returning Officers and Poll Clerks.

16. The Councillor presiding at any election shall not be bound to take any oath for the holding of such election, because he will act under his oath of office; and before proceeding to hold any election under this Act, each deputy and Poll Clerk shall take the following oath, which the Councillor so presiding, or any other Councillor, or Justice of the Peace residing in the said city, is hereby authorized to administer, to wit:

Form.

“ I solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of
 “ Deputy Returning Officer or Poll Clerk at the election which
 “ I am about to hold of a person (or persons) to serve as Mayor
 “ (or Councillors, for the ward, &c., as the case may be) of the
 “ City of St. Hyacinth. So help me God.”

Power to keep the peace at elections.

17. The Councillor presiding, and each Deputy Returning Officer at any municipal election in the said city, shall have the power, and they are hereby required to preserve peace and order at such election, and to this end, during its continuance, they shall and may cause to be imprisoned in the common gaol of the District of St. Hyacinth, any person making or causing a disturbance,

disturbance, or rioting and fighting at such election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote or from retiring without being molested after having voted, or from remaining as a peaceable spectator at such election, and they shall and may require and command the assistance of all persons present at such election, or of any constable or peace officer in the said city, who are hereby required to give their assistance in arresting any person so causing noise, interruption, trouble or disturbance as aforesaid; Provided always, that no such imprisonment shall be for a longer period than one calendar month; and the Sheriff and Gaoler who may be in charge of the said common gaol, are hereby required to receive all such offenders on the warrant or order of the Councillor appointed to preside at any such election; and every Deputy shall have, in his ward, in the absence of the Councillor presiding at the election, the same power as he; every person required by the Councillor presiding or the Deputy Returning Officer at any election to render assistance at such election, and who shall refuse to do so, shall be liable to a fine of not less than five nor more than ten dollars, or to an imprisonment for a period not exceeding one month, in the discretion of the Court.

Proviso; imprisonment limited.

All persons required to aid.

18. The Councillor presiding, or the Deputy Returning Officer, at any election under this Act, shall have authority, and he is hereby enjoined, whenever thereunto required by any person duly qualified to vote at such election, to examine on oath (or affirmation, in cases in which affirmation is allowed by law), any person offering to vote at any election; and the oath shall be administered by the Councillor presiding, or the Deputy Returning Officer, in the following form, that is to say:

Voters may be required to take oath of qualification.

“ You swear that you will true answer make to all such questions as I shall put to you in my capacity of Councillor presiding (or of Deputy Returning Officer, *as the case may be*), touching your qualification to vote, at this election. So help you God.”

Form.

And the Councillor presiding (or the Deputy Returning Officer) shall himself put the questions which he shall deem necessary, or which the electors present shall desire to have put to the voter.

Questions to voters.

19. At all elections held under this Act the poll books containing the names of the voters and other matters, shall be attested on oath by each of the deputies, who shall have presided at such election in the respective wards of the said city, each of the said deputies attesting his own, before the Councillor presiding at such election, or any Justice of the Peace residing in the said city, which presiding Councillor or Justice of the Peace is hereby authorized to administer such oath, and the said oath shall be in the following form, and shall be written

Poll books to be attested on oath.

in

in whole or in part, on the last page of the Poll Book containing the names of the electors, that is to say :

Form of oath.

“ I, A. B., swear that the Poll Book kept by me at the municipal election for the ward number _____ of the City of St. Hyacinth (or for the election of the Mayor of St. Hyacinth, *as the case may be*), is just and correct, to the best of my knowledge and belief. So help me God.”

Deposit of Poll books.

And the said Poll Books, so attested, shall be deposited in the office of the Secretary-Treasurer of the said city, by each of the said deputies or Clerks within three days after such election.

Penalty for swearing falsely.

20. If any person being examined upon oath or affirmation under this Act as to his qualification to vote, shall knowingly forswear himself, he shall be deemed guilty of wilful perjury.

Contested elections when and how to be tried.

21. Every contestation of an election, either with reference to the qualification of the members or with reference to that of voters, or for any other cause whatever, shall be determined by the members whose elections shall not be contested, and the trial of each such contestation shall be commenced by the City Council at one of its regular meetings, within the fifteen days next following the election, at which not less than four councillors, or the Mayor and three councillors shall be present ; and each such contestation shall be notified in writing to the councillor presiding at the election, by at least three electors of the City, if it is the election of Mayor that is contested, or of the ward in which the contested election shall have taken place, if it is that of a councillor, on the day on which such election shall have taken place, or in the forenoon of the following day ; and when any election shall be declared void for any one of the causes aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been decided ; and this election shall be announced, conducted and presided over as is provided by this Act for the annual elections.

Notice.

New election if former one be declared void.

Penalty for refusing to attend or answer as a witness on the trial of a contested election.

22. Every witness who, in the case of a contested municipal election, after having been duly summoned by the Mayor or any one of the councillors to attend at the trial of such contestation, or at the trial of any complaint whatever which shall have been regularly brought before the said council for any cause whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there regularly put to him, shall, on conviction thereof, before one or more of the Justices of the Peace residing in the said city, be liable to a fine not exceeding five pounds nor less than one pound currency, and in default of payment thereof, to imprisonment for a term not exceeding eight days, according to

to the decision of the said Justices ; and if any witness in such trial or proceeding knowingly forswear himself, he shall be deemed guilty of wilful perjury.

23. The Mayor, or, in his absence, the Pro-Mayor, and each member of the said City Council, are hereby authorized to summon and to examine upon oath, all witnesses summoned to appear before the said council, and to administer the oath to such witnesses. Power to administer oaths to witnesses.

24. The sheriff and the gaoler of the district of St. Hyacinth shall be bound, and they are hereby enjoined and empowered to receive and safely to keep, until they shall be duly discharged, all persons committed to their custody by the said City Council, or by any of its members or officers by its authority, or by any Returning Officer or Deputy Returning Officer, presiding at any municipal election in the said city. Duty of Sheriffs and Gaolers.

25. Any person who shall have been chosen to be Mayor or Pro-Mayor or Councillor of the said city shall, before sitting as such, take the oath of office hereinafter mentioned, before the Councillor who shall have presided at the annual municipal election, or before any of the Justices of the Peace residing in the said city, who are hereby authorized to administer the same, that is to say : Mayor's Oath of Office.

“ I, A. B., do solemnly swear that I will faithfully discharge Form.
“ the duties of Mayor, (or of councillor, as the case may be) of
“ the City of St. Hyacinth, to the best of my judgment and
“ ability. So help me God.”

26. In case it shall happen that any annual municipal election shall not have taken place, for any cause whatsoever, on the day on which in pursuance of this Act it ought to have been held, the said City Council shall not on that account be deemed to be dissolved ; and it shall be lawful for those of the members of the said Council who shall not have gone out of office, to hold a meeting presided over by the Mayor or Pro-Mayor, if either of them have remained in office, or by the councillor who shall have been appointed to preside at the election, if there be no Mayor nor Pro-Mayor, for the purpose of fixing as early a day as possible for holding such election ; and in this case the notices and proclamations required by this Act shall be posted up, read and published during eight days only, instead of fifteen. Case of failure of Annual Municipal Election on day appointed provided for.

27. The persons who shall be chosen at the annual municipal election to be Mayor or Councillors of the said city, shall in all cases be elected for two years, and at each such annual election one of the councillors for each ward shall go out of office ; and it shall always be that one whose election shall have taken place two years before ; provided that the Mayor shall Term of office of Mayor and Councillors.

Proviso. shall remain in office for two years after his election; provided also, that when three councillors represent any of the wards, each of them shall remain in office for two years; provided further, that no person shall be capable of being a councillor for more than one ward at a time.

Proviso.

Case of vacancy in the office of Mayor provided for.

28. In the event of a vacancy occurring in the office of Mayor by the person who shall have been elected to the said office failing to accept the same, or by his death, or from any cause whatsoever, there shall be elected in the manner prescribed by the fourteenth section of this Act, another fit and proper person to be Mayor for the remainder of the time during which the Mayor in whose stead it shall be necessary to appoint another, would have been bound to serve—and if any person is elected Mayor of the said city, and at the same time councillor, or have been already elected a councillor for one of the wards thereof, such person shall be bound within four days next after notice shall have been given to him of the said elections, provided he be qualified to fill the said office and be not by law exempted from accepting the same, to accept the said office of Mayor, and in default of accepting the same, shall incur and pay a fine of forty dollars currency; provided also, that when a person shall have been thus elected Mayor and councillor at the same time, or shall be Mayor and councillor at the same time, a new election of a councillor shall be held for the ward for which such person shall have been elected councillor, within a period to be fixed by the City Council, and in the manner and subject to the conditions prescribed with reference to vacancies in the office of councillor.

Proviso.

Case of vacancy in the office of Councillors provided for.

29. As often as any vacancy shall occur in the office of councillor, by reason of nomination to the office of Mayor, of sickness, civil disability, death or removal from the city, or for any other cause mentioned in the tenth section of this Act, it shall be lawful for the City Council, and they are hereby enjoined to summon the electors of the ward in which such vacancy shall have occurred, by public notices posted up and published as is prescribed in and by the thirteenth section, to fill such vacancy by the election of another councillor; and in this case the Mayor, or in his absence one of the councillors appointed by the Council, shall preside at the election, and the Secretary-Treasurer or any other person appointed by the Council shall act as deputy, and the councillor thus elected to fill the vacant seat shall be sworn before the Mayor or before the councillor who shall have presided at the election, and he shall remain in office during the whole period during which the member whom he shall replace would himself have remained in office in the ordinary course of affairs.

Mayor to exercise powers until successor sworn in.

30. The said Mayor so elected shall continue to exercise his powers as Mayor of the said city until his successor in the said office shall have been elected and sworn.

31. The Mayor of the said City of St. Hyacinth shall be *ex-officio* Justice of the Peace for the district of St. Hyacinth.

Mayor to be a Justice of the Peace.

32. It shall be lawful for each of the members of the City Council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the said city, and to cause such person to be confined in the watch-house or other place of detention, in order that such person may be safely kept until he can be brought before the Mayor, or a Justice of the Peace, to be dealt with according to law.

Members of City Council may arrest and commit drunken and disorderly persons.

33. After each annual municipal election the members of the said council shall, within eight days next after the election, hold a meeting, presided over by the Mayor, or in his absence by the Councillor who shall have presided over such election, for the purpose of verifying their credentials; and after the sitting, the said City Council shall meet at least once in each month for the transaction of the affairs of the said city, and shall hold its sittings in such place as it shall please the said Council to choose; a bare majority of the Members of the said Council shall form a quorum for the despatch of business, and all questions shall be decided by a majority of the members present; Provided always, that a member or members who may not be sufficient in number to form a quorum, may adjourn any meeting of the Council which shall have failed for want of a quorum, and such member or members, although not forming a quorum, are hereby authorized to compel the absent members to attend the regular or adjourned meetings as aforesaid, and to inflict upon such absent members, in case of repeated absence, any fine or penalty which the said Town Council might impose in view of such an occurrence.

Meetings of Council.

Quorum of City Council.

Proviso: a less number may adjourn, and compel attendance of others.

34. The Mayor of the said City, if he is present, and in his absence the Pro-Mayor, shall preside at the meetings, and shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on any question which shall be brought before the said Council; Provided always, that when the said Councillors after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor, and in his absence the Pro-Mayor, shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office:

Mayor to preside at Meetings, and to have a casting vote, but he and the Councillors no salary.

2. The Council shall after each election appoint a Pro-Mayor, who shall take the place of the Mayor in case of his absence, and shall be invested with all the powers for the whole time fixed by the Council for the duration of his term of office, and in the event of the absence of both the Mayor and of the

Appointment of Pro-Mayor, &c.

the

the Pro-Mayor, the Council may choose one of its members to act as Mayor during the sitting, and to preside thereat.

Special meetings of Council how to be called.

35. The Mayor, or in his absence the Pro-Mayor, of the said city may, as often as he shall think it necessary or useful, call special meetings of the said Council, and whenever two members shall wish to have a special meeting they may apply to the Mayor, or in his absence the Pro-Mayor, to call it, and if the Mayor or in his absence the Pro-Mayor, is absent, or if the one or the other refuses to act, the said two Members may call it themselves, stating at the same time to the Secretary-Treasurer of the said Council in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the said Secretary-Treasurer shall be bound on receipt of such written notice, to communicate it to the other Members of the Council, who shall be bound to be present at such meeting under the pains and penalties prescribed by the thirty-third section of this Act, and which may be prescribed by by-laws passed to that effect by the said Council.

Notice.

Members bound to attend.

Minutes of proceedings to be kept and recorded in a book.

36. The proceedings at each of the regular or special meetings of the said City Council shall be correctly entered and recorded in a book which shall be kept for that purpose, and which shall be called "The Minute Book of the City Council of St Hyacinth," and the said book shall be open to inspection or search by any person qualified to vote at the Municipal elections of the said city, on payment of the sum of one shilling to the Secretary-Treasurer, who shall have the custody of the said book; and all extracts from the said minute book, or from any records or papers of the said council, shall be delivered by the Secretary-Treasurer, who shall be entitled to receive, for such extracts, the sum of six pence for each one hundred words, and such extracts shall be *prima facie* evidence of the facts therein set forth.

Custody and fees for extracts.

Meetings of Council to be public.

Exception.

Order.

Proviso: fines limited.

37. All the meetings of the said City Council shall be public, except only when the council shall have to try the members of its own body for any cause whatever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall decide upon the rules of its own proceedings; and it shall have the power to cause order to be observed during its sittings by those persons who may be present, and to punish summarily by fine or imprisonment, or both, any contempt committed by such persons; Provided always, that no such fine shall exceed the sum of five pounds nor be less than the sum of five shillings currency, and that no such imprisonment shall be for a longer period than thirty days.

Punishment of Councillors guilty of certain offences.

38. The said Mayor or Pro-Mayor, or the President, at any regular meeting of the said Council, shall have power to punish by a fine not exceeding sixty dollars, but which may be

be less, any Councillor who may be guilty, during its sittings, of making any serious disturbance, or of violence, either in word or deed, or in any other manner; and the said Council may, by a resolution to that effect, passed by a majority of the members composing the said Council, expel any of its members who shall have been convicted of felony or any infamous crime, and may fill his place in the manner provided for vacancies in the office of Mayor or Councillor.

39. It shall be lawful for the said Council to name from among its members, so many committees, composed of a greater or less number of persons as it shall think proper, to facilitate the despatch of the business before the said Council, and for the discharge of all the duties within its competence, and which shall be prescribed by the said Council, but subject in all respects to the approbation, authority and control of the said Council.

Appointment of Committees and their powers..

40. The said City Council shall have power to appoint, at the commencement of each period of three years, three Assessors; and it shall be the duty of the said Assessors to value the assessable property of the said city according to the real value, and within the periods which shall be fixed by the said City Council; Provided always, that the valuation of real property shall be made once in every three years, and that of the stocks in trade and the roll of tenants every year; Provided also, that the Assessors so appointed shall be owners of real property to the value of at least one thousand dollars.

Appointment and duty of Assessors.

Proviso.

Proviso.

41. Every person so appointed Assessor shall be bound, before proceeding to value any property in the said city, to take the following oath before any Justice of the Peace residing in the said city, that is to say:

Assessors to be sworn.

“I, _____, having been appointed one of the Assessors for the City of St. Hyacinth, do solemnly swear, that I will honestly and diligently discharge the duties of that office to the best of my judgment and ability. So help me God.”

The Oath.

42. At the first meeting, after each annual municipal election, the City Council shall appoint two persons to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath before a Justice of the Peace residing in the said city, that is to say:

Appointment and Oath of Auditors.

“I, _____, having been appointed to the office of Auditor for the City of St. Hyacinth, do swear that I will discharge the duties thereof to the best of my judgment and ability; and I declare that I have not, either directly or indirectly, any share or interest whatever in any contract or employment with or under the City Council of St. Hyacinth. So help me God.”

The Oath.

Qualification
of Auditors.

Proviso.

43. The Auditors who shall be appointed for the said city, shall be owners of real estate therein, of the value of at least five hundred dollars ; Provided always, that neither the Mayor nor the Councillors, nor the Secretary-Treasurer of the said city, nor any person receiving a salary from the said Council, either on account of an office held under its authority, or on account of any contract whatever made with it, shall be capable of holding the office of Auditor of the said city.

Duties of
Auditors.

Report.

44. It shall be the duty of the Auditors to examine, and to approve or disapprove all accounts which may appear in the books of the said Council or concern it, and which may relate to any matter or thing under the control and jurisdiction of the said City Council, and may then remain unpaid ; and they shall report their proceedings to the said Council, who shall cause to be made and published a detailed statement of the receipts and expenditure and the resources of the said Council, in some newspaper published in the said city, and to post it up in the Council Hall, within fifteen days after the reception of such report.

Vacancy in
office of Asses-
sor or Auditor
how supplied.

45. In the event of any vacancy occurring in the office of Assessor, or in that of Auditor, for want of Assessors or Auditors being appointed at the period fixed by law for that purpose, or by reason of the absence or death of any person appointed to the said office, or by the failure, disqualification or inability of any person appointed Assessor or Auditor, to take upon himself or to discharge the duties which devolve upon him by law, the said Council may, at any subsequent meeting, appoint a duly qualified person to fill and supply such vacancy.

Penalty for
refusing to
act as Mayor,
Councillor,
Assessor or
Auditor.

46. Every person who shall be regularly elected or appointed to any of the offices of Mayor, Councillor, Assessor or Auditor, of the said city, shall accept such office, unless such person prefer paying the fine hereinafter fixed, or shall have ceased to hold office within the last four months of the year preceding such election or appointment to office ; in which case he shall be exempt from serving in the same way and for the same period as he would have served if he had accepted such office, that is to say, for two years :

Mayor.

The fine for a person elected Mayor, who shall refuse to act, shall be forty dollars ;

Councillor.

The fine for a person elected Councillor, who shall refuse to act, shall be twenty dollars ;

Auditor.

The fine for a person appointed Auditor, who shall refuse to act, shall be ten dollars ;

Assessor.

Proviso.

The fine for a person appointed Assessor, who shall refuse to act, shall be fifteen dollars ; Provided always, that no person whose

whose age at the time when he may be elected or appointed to any of the said offices, shall exceed sixty years, shall be bound to accept the same, or liable to pay a fine for refusing to act therein.

47. The Assessor shall, in the course of the month next after notice shall have been given to them of their appointment, make a valuation of all the real property and stocks in trade in the said city, and transmit to the Secretary-Treasurer of the said city the Assessment Roll thereof, together with their oath of office; and at the next meeting of the said Council, the said Assessment Roll shall be produced and examined by the Councillors if they desire it; and from the date of that meeting the Assessment Roll shall be deposited in the office of the Secretary-Treasurer, during the period of one month, reckoning from that meeting; and during that time it shall remain open for public inspection to all persons whose properties shall have been valued, or their representatives; and during that interval those persons who feel aggrieved may address themselves, in writing, to the City Council, complaining of any over-valuation; and such appeal shall be decided by the said Council at the first meeting which shall be held after the expiration of the month hereinbefore mentioned; and the said Council may hear the parties and their witnesses on oath, which oath shall be administered by the Mayor, or in his absence, by the Pro-Mayor, or by the presiding Councillor, and may sustain or alter the valuation of which the alteration is demanded, as may seem to it to be right; and at the same meeting the said Assessment Roll shall be declared closed for three years, unless however the Council have been obliged to adjourn in consequence of the number of complaints; in which case the said roll shall not be declared closed until after all the complaints shall have been heard and decided; Provided always, that if after the said Assessment Roll shall have been declared closed as aforesaid, any property in the said city shall be considerably diminished in value, either by fire, the pulling down of buildings, accident, or any other reasonable cause, the said Council may, on petition from the owner, cause the valuation of such property to be reduced by the Assessors to its actual value; Provided also, that if any omission has been made in the said Assessment Roll, or if any new building, tending to increase the value of real property in the said city, shall have been erected subsequent to the closing of the said Assessment Roll, the said Council may order the Assessors to value any property so omitted or increased in value as aforesaid, for the purpose of adding it to the said roll; Provided further, that the said Assessors shall be bound to value annually, by order of the said Council, the stocks in trade held in the said city.

Assessment Roll when and how to be made, and deposited.

To be open to inspection and appeal from it given.

Closing the Roll.

Proviso.

Proviso.

Proviso.

48. The said City Council may, from time to time, as occasion shall require, appoint a fit and proper person, who shall not be a member of the Council, to be and to be called Secretary-Treasurer of the City of St. Hyacinth, and it shall have power

Appointment and payment of Secretary-Treasurer and other officers, &c.

Duties, securities, &c.

Assistant Secretary-Treasurer.

power to appoint, dismiss and replace, when it shall think fit to do so, all such officers of the said Council, including the Secretary-Treasurer, and all constables and policemen, as may be required for the due enforcement of the by-laws which are in force, or which it may hereafter make; to prescribe and regulate the duties of all such officers respectively; to exact from all persons employed by it in any capacity whatsoever, such security as it may deem sufficient, to insure the due performance of their duties; and to grant and allow to the officers to be appointed as aforesaid, such salaries, allowances or other compensation for their services as it may think fit; and the said Council may appoint an Assistant Secretary-Treasurer, whenever the said Secretary-Treasurer shall be unable to discharge the duties of his office by reason of absence or sickness, or from any other cause, and the said Assistant Secretary-Treasurer shall be invested with the same powers as the said Secretary-Treasurer during the time for which he shall be so appointed.

Duties of Secretary-Treasurer.

49. The Secretary-Treasurer shall be the sole collector and keeper of all sums due to the said City Council, or which may be at his disposal in any way whatever, of which he shall make correct entries in the books which shall be kept for that purpose; he shall also enter therein the sums which he shall have paid for the said Council, and the said books shall be at all reasonable times open to the members of the said Council and to the Auditors; and he shall prepare a statement of the said accounts, with the vouchers and papers relating to the same, for the year ending on the thirty-first day of December in each year, in order to submit them to examination by the Auditors between the first and the twentieth days of January in each year; but the statement to be made for the year ending on the thirty-first day of May, one thousand eight hundred and sixty-four, shall be postponed to the thirty-first day of December, one thousand eight hundred and sixty-four; Provided always, that the said Secretary-Treasurer shall not make any payment from the funds of the said city, otherwise than upon the order of the said Council, or upon an order in writing, signed by the Mayor or in his absence the Pro-Mayor, or a Member of the Finance Committee; provided that possession by the Secretary-Treasurer of such order shall be *prima facie* evidence of the amount therein mentioned having been paid.

Yearly statement.

Proviso: on what authority to pay out moneys.

Application of fines and penalties.

Proviso: payment of fine without judgment.

50. All the fines and penalties imposed or recovered in virtue of this Act, or of any by-law made in virtue hereof, shall be recovered in the manner hereinafter prescribed, for the use of the said City Council, and shall form part of its funds; and it shall be lawful for the said Council to remit any fine or penalty which it shall think proper to remit; Provided always, that the Secretary-Treasurer shall be and he is hereby authorized to accept payment of any such fine or penalty, and to fix the amount thereof, which shall never exceed one-half the

the maximum of such penalty imposed either by this Act or by the by-laws of the said Council, and of the costs incurred, from parties who may be willing to pay the said fines and penalties without waiting for the judgment of the Court, or even without having been prosecuted.

51. The Secretary-Treasurer of the said Council, and all its other officers and servants, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such way as the Council shall direct, render to the said Council, or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this Act, and also of all moneys which shall have been received by them respectively, for the purposes of this Act, and of the amount of all moneys which shall have been paid or disbursed by them for the benefit and under the control of the said Council, and for what objects.

Accounts to be rendered by Secretary-Treasurer and other officers.

52. From and after the passing of this Act, the said City Council alone shall have the right of granting and delivering certificates for tavern licenses, and for licenses to keep houses of public entertainment and retail spirituous liquors, within the limits of the said city, and such certificates shall be signed by the Mayor or the Secretary-Treasurer of the said city, and sealed with the seal of the said Council.

City Council to have sole right of granting certificates for tavern licenses, &c.

53. The said Council shall have power to license temperance houses for an annual license of three pounds at the most.

Temperance houses.

54. It shall be lawful for the said City Council to borrow, on the credit of the said City of St. Hyacinth, such sum or sums of money as the said City Council shall think proper to borrow for the purpose of effecting improvements in the said city, or of erecting public buildings, or of draining the streets, or of causing the said city to be supplied with water and gas, or for any other purposes which the said Council may deem useful or necessary; Provided always, that the whole amount so borrowed and remaining due, shall not at any time exceed fifteen per cent. on the whole valuation of the assessed real property in the said city; and all public moneys now due and payable, or which may hereafter become due and payable to the City Council, as well as other moneys which shall be levied or received by virtue of this Act, or of any other Act, shall be pledged for the payment of the current expenses of the said city and the sums so borrowed by the said City Council, and to the payment of the sums which have already been borrowed by the City Council, and generally to the payment of all debts which have been or may be lawfully contracted, or which now are or may hereafter be lawfully due and payable by the said City Council; and the said Council may, if it borrows sums of money on the credit of the Consolidated Municipal Loan Fund for Lower Canada, apply the said sums to the

Power of City Council to borrow money.

Proviso.

Total amount limited.

Revenue of City pledged for payment.

Borrowing on credit of Consolidated Loan Fund.

different

different objects mentioned in this clause ; and it shall be sufficient for the said council, in order to obtain the said sums from the Consolidated Municipal Loan Fund, to observe the formalities prescribed by this Act.

Power to issue
Debentures.

55. It shall be lawful for the said City Council to contract loans by issuing debentures or *bons* signed by the Mayor and countersigned by the Secretary-Treasurer of the said city, and sealed with the seal of the said Council; such loans being made payable to the bearer at such periods as the said Council shall think proper to fix; and such *bons* or debentures shall bear interest payable semi-annually on the first days of May and November in each year, and at a rate not exceeding six per cent. per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures, which coupons being signed by the Mayor and countersigned by the Secretary-Treasurer, shall be payable respectively to the bearer thereof then and as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said Secretary-Treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or *bon*, and all such debentures or *bons*, and the interest together with the principal thereof, shall be secured upon the general funds of the said city.

Coupons for
interest.

How secured.

No loan to be
contracted
without the
consent of the
electors.

56. The said City Council shall not in any case contract any loan without having obtained the approbation of the majority in number and in value of assessed real property of the electors of the said city; such approbation to be expressed at a public meeting, presided over by the Mayor, or in his absence by the Pro-Mayor, the Secretary-Treasurer acting as Secretary, and duly called by notices published and posted up during fifteen days before such meeting; Provided always, that six qualified municipal electors present at the said meeting may demand a poll to establish such majority; and a poll shall be granted by the Mayor, or in his absence by the Pro-Mayor, on being so demanded, and shall be held within four days next after such meeting, the Secretary-Treasurer of the city acting as poll clerk under the direction of the Mayor; each elector shall then present himself in turn and shall give his vote by *yea* or *nay*, the word *yea* signifying that he approves of the proposed loan, and the word *nay* signifying that he disapproves of the proposed loan; but no person's vote shall be received unless it appears by the Assessment Roll that he is duly qualified to vote as municipal elector, and that he has paid all his municipal taxes at least three days previous to the time of such voting; Provided always, that such poll shall be held on two consecutive days, not being Sundays or holidays, from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the poll the Mayor shall count the

Proviso:
Poll may be
demanded:
and mode of
voting.

Proviso: time
for polling;
declaration of
the result.

yeas

years and the *nays*; and within four days thereafter he shall lay before the City Council a statement showing the value of the real property of each of the voters according to the Assessment Roll then in force, and shall certify, for the information of the City Council, whether the majority in number and in value of assessed real property of the electors of the city approve or disapprove of the said loan; and this certificate shall be countersigned by the Secretary-Treasurer of the city, and preserved by him with the poll-list, and the aforesaid statement among the archives of his office, and if the said loan is approved as aforesaid, then the said City Council may contract it.

57. Every contract or document in which the said City Council shall be a contracting party, shall be executed and signed by the Mayor, or in his absence by the Pro-Mayor, countersigned by the Secretary-Treasurer, and sealed with the seal of the said Council; and whenever it shall be necessary to serve any protest or any rule of Court or summons, or other thing whatever in any action or prosecution, upon the said Mayor and City Council, such service shall be made upon the Secretary-Treasurer, at his office; and every notice for the putting in execution of any new By-law, shall be made by a notice posted up in the Council Hall, and published in a newspaper published in the city, if there be one, during fifteen days previous to the day on which such new By-law shall have to be put in force.

Execution of contracts, and service of protests, &c.

Notice of new By-laws.

58. In order to raise the necessary funds to meet the expenses of the said City Council, and to effect the several necessary public improvements in the said city, the said City Council shall have power to levy annually upon persons, and upon movable and immovable property in the said City, the taxes hereinafter set forth, that is to say:—

Power to levy taxes.

1. On all pieces of land, town lots, or parts of town lots, whether there be or be not buildings thereon, with all buildings and erections thereon, a rate not exceeding one penny in the pound on their full actual value, as entered in the Assessment Roll of the said city; Provided that no land under cultivation or leased as a farm within the limits of the said City shall be taxed by virtue of this Act except the lot on which the buildings shall be erected, which shall be assessed together with such buildings; Provided also, that the said City Council shall have power to cause to be added to the Assessment Roll at any time any part of such land under cultivation or leased as a farm which shall have been detached from it as a town lot, and shall thus have become liable to assessment after the closing of the Assessment Roll, and to fix the period of time for which such tax shall be paid;

On real property.

Provido.

Provido.

On movable property of certain kinds.

2. On the following movable property, a similar sum of one penny in the pound, according to the values hereinafter specified:—

Every stallion shall be rated at one hundred pounds ;

Every horse kept for hire, at fifteen pounds ;

Every horse above the age of three years, and kept for ordinary domestic purposes, ten pounds ;

Every head of horned cattle, of the age of two years and upwards, at two pounds ;

Every covered carriage with four wheels, at fifty pounds ;

Every open carriage with four wheels and two seats, at twenty pounds ;

Every gig or light waggon with one seat, at ten pounds ;

Every two-horse sleigh, at twenty pounds ;

Every one-horse sleigh, at ten pounds.

Proviso : certain property exempt.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Stocks in trade.

3. On all stocks in trade, or goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in storehouses, a tax of a quarter of one per cent on the estimated average value of such stocks in trade ;

On rents paid.

4. On each tenant paying rent in the said city, an annual sum equivalent to six pence for every twenty shillings on the amount of his rent ;

Poll tax.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said city for six months, and not being a proprietor, nor tenant, nor an apprentice, nor a domestic servant, an annual sum of five shillings ;

Dogs.

6. On every dog kept by persons residing in the said city, an annual sum of five shillings ;

On persons following certain occupations, or professions.

7. And it shall be lawful for the said City Council, to fix by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses ;

houses; and on all retailers of spirituous liquors; and on all pedlers and itinerant traders selling in the said city, articles of commerce of any kind whatsoever; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers; and on all merchants and manufacturers, or their agents and on all proprietors or keepers of wood-yards or coal-yards, and of slaughter-houses in the said city; and on all money-changers or exchange-brokers, pawnbrokers, or their agents; and on all bankers and banks, and all agents of bankers and banks; and on all insurance companies or their agents; and generally on all commerce, manufactures, callings, arts, trades, professions, which have been or which may be exercised in or introduced into the said city, whether the same be or be not mentioned therein; and the workmen of all mechanical arts and trades exercised in the said city shall be divided into first and second classes by the person appointed by the said City Council to make the roll of movable property, and shall be assessed at five shillings per annum for those of the first class, and at one shilling and three pence for those of the second class; and every person in the said city practising the profession of a lawyer, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of fifteen shillings annually; and the said City Council may name a person or persons to make the roll of the persons and movable property mentioned in the different parts of this section;

Making Roll of such persons.

8. And the said Council shall also have power to fix the amount of personal commutation, that is to say, of the sum to be payable by every person liable to assist in keeping the streets and side-walks of the said city in repair, and to refuse the labor of such person in keeping the same in repair if the said Council thinks proper to charge itself therewith; provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done.

Commutation for road work.

Proviso.

59. The following properties shall be exempt from taxation in the City of Saint Hyacinth, except as regards poll-tax:

Certain descriptions of real estate exempted from taxation.

All lands and property belonging to Her Majesty, Her Heirs or Successors, held by any public body or department, or by any person for the use of Her Majesty, Her Heirs and Successors;

All Provincial property and buildings;

Every place set apart for public worship, parsonage house and every cemetery;

The

The Bishop's residence and land adjoining thereto;

Every public School-house and the lot on which it is built;

Every educational establishment and the lot on which it is built;

All buildings, lands and properties occupied or possessed by hospitals or other charitable establishments;

Every Court House or District Gaol with the grounds attached thereto;

Proviso: as to Government property leased.

Provided always, that this exemption shall not extend to the lots or to the buildings erected on lots leased or occupied by tenants under the Government or the War Department in the said city; and such lands belonging to the Government or to the War Department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immovable property in the said city, and the taxes thereon shall be paid by the said tenants or occupants.

Penalty for granting or using false certificates, &c., of rent.

60. After the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt for a less sum than the rent actually paid for the premises therein mentioned or referred to, and every tenant who shall present such a certificate or receipt to the person appointed to make the roll of persons and of movable property, or who shall make a false representation of the amount of rent paid by him, in order to diminish his assessment, shall be liable, on conviction thereof before the Mayor or a Justice of the Peace, to a fine of twenty dollars or less, or to imprisonment for one calendar month or less, at the discretion of such Mayor or Justice of the Peace.

Collection of assessments.

61. The Secretary-Treasurer, upon the completion of the collection rolls, shall proceed to collect the assessments therein mentioned, in the manner provided by the Municipal and Road Act for Lower Canada, and the Acts amending the same; and the powers conferred upon persons holding the office of Mayor and Secretary-Treasurer by the said Acts in that behalf, are hereby conferred upon the Mayor and Secretary-Treasurer of the City of St. Hyacinthe, for the collection of the said assessments.

Powers.

Land may be sold for taxes in certain cases.

62. If the movables of any person indebted to the said City Council for taxes are not sufficient to cover the amount claimed, such amount, or any balance remaining due, shall be levied by the sale of the land or lands which shall be charged with or answerable for the payment thereof to the said Council, in the usual manner.

Taxes to be recovered either

63. Every tax or assessment imposed by virtue of this Act on any of the properties or houses of the said city, may be recovered

recovered either from the owner or from the tenant or occupant of such property or house ; and if such tenant or occupant be not bound by lease or other arrangement to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him for assessment as aforesaid from the rent which he shall be obliged to pay for the occupation of such property ; provided always, that when a writ shall have been issued either against the owner or against the occupant, that shall not prevent the party who shall have paid such assessments without having been bound by express agreement so to do; from taking proceedings against the other party, if the said sum so paid cannot otherwise be recovered.

from owner or occupant.

Proviso.

64. The said Council shall have power to remit to poor persons in the said city who shall have been taxed by virtue of this Act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

City Council may remit taxes to poor persons.

65. All debts now due to the said City Council in virtue of any Act hereby repealed, or which may be due in future for any taxes or assessments imposed by virtue of this Act or of any Act hereby repealed, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the said City Council in all cases of distribution of moneys, in preference to all other creditors; provided always, that this privilege shall for the future be applied only to taxes due within three years, and no longer ; and provided also, that this privilege shall have its full and entire effect without its being necessary to have recourse to registration.

Debts due to City Council for taxes to be privileged debts.

Proviso.

Proviso.

66. In all cases of non-payment of taxes imposed on any immovable property in the said city, an augmentation of ten per cent on the amount of the assessments in arrear shall be added each year to such amount, and that as long as such assessments shall not be paid ; and it shall not be necessary for the City Council to make a by-law to that effect.

Ten per cent. per annum to be added to taxes in arrear.

67. The said City Council shall have full power and authority from time to time to make, revise, alter and amend, and to enforce and put into execution such by-laws as it may deem proper, and which shall bind all persons for the following purposes, to wit :

Power to make By-laws for certain purposes.

For the maintenance of peace and good order,—the improvement, cleansing and draining of streets, public places, and lots, whether vacant or occupied,—for the prevention and suppression of any nuisance whatever,—for the maintenance and preservation of the public health, and generally for all that relates to or concerns the interior economy and the government of the said city ;

Interior economy.

Gambling and
debauchery.

For restraining and prohibiting every kind of gambling in the said city, and preventing the keeping of gambling houses, tennis-courts or houses for debauchery of any description in the said city ;

Game of
chance.

For preventing and restraining all games with cards, games of chance, with or without betting, in any licensed or unlicensed hotel, eating house, tavern or shop in the said city ;

Riot or tumult.

For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power or authority to enter into all houses of a doubtful character, shop, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed, in the said city ;

Arrest of
offenders.

For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice, or other games of hazard, or engaged in cock-fights, or dog-fights in such places, contrary to any by-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance or disorder therein ;

Domiciliary
visits.

For giving power and authority to visit and examine, at seasonable hours, the exterior or the interior of any house, land or building of any kind in the said city, for the purpose of ascertaining whether the by-laws passed by the said Council are regularly observed ; and for obliging all proprietors or occupants of houses, lands or buildings in the said city to admit any person authorized as aforesaid, for the purpose hereinbefore expressed ;

Vagabonds,
Prostitutes, &c.

For restraining and punishing vagabonds, beggars, prostitutes and disorderly persons ;

Shows.

For licensing and regulating or for prohibiting shows brought forward by common showmen and exhibitions of all kinds, and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations ;

Cruelty to
animals.

For prohibiting cock-fights and dog-fights, and all other cruel amusements in the said city ; and also for preventing the driving of vehicles at immoderate speed in the said city, and the infliction of barbarous and inhuman treatment upon horses or other animals ;

Kite-flying in
the streets, &c.

For prohibiting the flying of kites, and any other sport, practice or amusement in the public streets or elsewhere, which may have the effect of frightening horses, or of annoying or disturbing persons passing in or along the streets of the said city, or of endangering property ;

For obliging all persons to remove the snow, ice or filth from the side-walks and from the roofs of the buildings possessed or occupied by them, and for punishing them for failing to do so ;

Snow and ice.

For preventing and forbidding the obstruction of the streets, squares or sidewalks, by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

Obstruction of streets.

For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery, and merchandise of all kinds in or along the streets, public places and sidewalks of the said city ;

Sale of fruit, &c.

For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it or to cause it to disappear as far as may be necessary for the health, comfort and convenience of the inhabitants of the said city ;

Cleansing or removal of unwholesome places and things.

For compelling all owners or occupants of lots in the said city, on which there shall be stagnant water, to drain or raise such lots, so that the neighbors may not be incommodated, nor the public health compromised ; and in the event of the owners of such lots being unknown, and having no agent or representative in the said city, it shall be lawful for the said City Council to order the said lots to be drained or raised, or to cause them to be fenced and enclosed at the expense of the said City Council, if they are not so ; and the said City Council shall have the same power if such owners or occupants of such lots are too poor to drain, raise or fence them ; and in all these cases the sum expended by the said City Council in improving such lots shall remain charged upon such lots by special hypothec and by privilege in preference to any other debt whatever, and shall be recoverable in the same manner as the taxes due to the said council ;

Drainage of vacant lots.

If owner be absent.

Or too poor.

Hypothec in such case.

For preventing any person from bringing into or depositing or leaving within the limits of the said city any dead body or carcass, and for causing the same, together with any matter or thing on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found, and in default thereof, to authorize the removal or destruction of the same by some officer of the city, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy the said substance ;

Prevention or removal of nuisances.

- Intramural interments.** For preventing interments within the limits of the said city, or for fixing the places where they may take place; for compelling the disinterments of bodies interred in contravention of this provision; Provided always, that this clause shall not be construed to extend to prevent the interment of the bodies of Priests or Nuns or Protestant Clergymen in the Churches of the city;
- Proviso.**
- Unwholesome processes, or manufactures.** For prohibiting, if it is deemed necessary, or for regulating the erection, use or employment in the said City of steam engines or of manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the said council shall be the judges, or of shambles, dye-works or other manufactories or establishments, where works, operations or process are carried on which endanger or tend to jeopardize the public health or the public safety; and the said City Council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said City Council may deem necessary;
- Animals straying.** For restraining and regulating the liberty allowed to animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention;
- Dogs.** For regulating and preventing the allowing of dogs to go at large in the said city, and for authorizing the destruction of all dogs wandering at large in contravention of any by-laws in the said city;
- Public pounds.** For establishing a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the said city;
- Seizure of light or damaged goods.** For authorizing the seizure and confiscation of all grain, meat, flour, butter, potatoes, and all other vegetables, fruits, articles and effects brought into the said city, for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason, and for regulating the weighing and measuring of all cordwood, coal, salt, grain, lime and hay brought into or sold in the said city by strangers or by persons residing therein; for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight; and for compelling all persons to conform in these matters to the regulations which the said Council may deem it advantageous to establish in future;
- Sales by weight measure or bulk.**
- Market places.** For establishing a market-place or market-places, or for enlarging the market-places that now exist, or those which shall be established in future, subject always to the payment of

of the damages that may be occasioned to individuals by the enlargement of such market-places with land taken from their respective properties;

For determining and regulating the duties of the clerks of the markets of the said city, or of all other persons whom the said Council may think it right to employ to superintend the said markets; and for letting the stalls or places of sale in and around the said markets; and for determining and fixing the dues which shall be received from all persons who shall come to sell their goods or produce of any kind there, and for regulating the conduct of all such persons in the sale of their effects; and for regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the said City Council, and on payment of all fees which the said Council shall have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the said markets;

Clerks of markets: and sums payable for stalls, fees, &c.

For regulating and laying, and imposing dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets;

Vehicles in markets.

For preventing persons bringing goods of any kind, wood or materials, into the said city, from selling or exposing them elsewhere than on the said markets;

Sales of certain articles out of market.

For restraining and regulating hucksters and persons buying articles brought into the said city, for the purpose of selling the same again, and for laying dues and taxes upon them in the prosecution of their traffic;

Hucksters.

For regulating the bakers in the said city, and the persons in their service;

Bakers.

For regulating the sale and the weight of bread that may be sold or offered for sale in the said city, and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light; and to this end to authorize officers or persons to enter into baker's shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety for the attainment of such object or for causing such regulations to be enforced;

Bread.

Visiting baker's shops to examine bread, &c.

For authorizing the granting of licenses to carters, and to the owners and drivers of public vehicles kept for hire in and

Carters.

and for the said city, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, chaises, calashes, carriages, or other vehicles kept for hire in and for the said city, as well as for establishing a tariff of prices for the same; and for imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said city, and who shall neglect or refuse to pay them for their services at the rate fixed in the said tariff;

Streets.

For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water courses in the said city; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water courses running through private property in the said city; and for regulating every thing on this subject, whether the said water courses be or be not covered; it shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said city;

Water courses.

Shade trees.

Common sewers.

Proviso.

For assessing the proprietors of lands situate on any of the streets of the said city, at such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said city, and that, in proportion to the assessed value of such land; and for regulating the mode of collecting and receiving such assessments; Provided always, that the said Council shall not have power so to assess the owners of property in any street for the making of such sewers, unless the majority of the owners of property in such street have demanded such assessment;

Enclosing lots.

For compelling the proprietors of all lands and immovable property, in the said city, or their agents or representatives, to enclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing;

Sale of liquor to children, &c.

For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant;

Masters and servants, apprentices, &c.

For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants and journeymen in the said city, and also certain duties and obligations of masters and mistresses towards such servants and journeymen;

Police force.

For regulating, arming, lodging, clothing and paying a police force in the said city, and for determining its duties;

Town Gaol.

For founding, establishing and regulating a city gaol or place of detention in which to confine from time to time persons violating

violating the regulations of the said Council, or guilty of vagrancy or other offences;

For assessing, over and above all the taxes specially established by this Act, all the citizens of the said city, for the purpose of defraying the expense of indemnities which the said Council may be bound to pay to persons in the said city, whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies; and if the said Council neglect or refuse within three months next after such destruction or damage being so occasioned to any property in the said city, to pay a reasonable indemnity, to be ascertained by *experts*, if one of the parties desire it, then the said Council shall be liable to be sued in any Court of Justice in this Province for the recovery of such damages;

Indemnity for damage done by mobs.

Liability of Councillors neglecting this.

For compelling all owners of houses in the said city to remove from the streets all encroachments or projections of any kind, such as mouldings, galleries, porches, posts, fences or any other obstacle whatever;

Projections in streets.

For causing to be thrown down, demolished and taken away, when deemed necessary, all old walls or chimneys or dangerous buildings of any kind, threatening to fall down, and for determining the time when and manner in which such building shall be thrown down, demolished and taken away, and by whom the expense shall be borne;

Dangerous buildings.

For regulating the width of the streets that shall be opened in future in the said city; for regulating and altering the height or the levels of any streets, or of any side-walks in the said city; Provided that if any person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the said city, such damage shall be paid for to such person at a valuation by *experts*, if either of the parties require it;

Width, &c., of streets.

Proviso.

For preventing inundations by the rising of the waters of the River Yamaska, opposite the said city;

Inundations.

For regulating the number and dimensions of the pillars to be erected in the construction of bridges across the said river;

Bridges.

For demolishing any such pillars erected in contravention of the by-laws of the said corporation;

Pillars.

For assessing at the request of the majority of the citizens residing in any of the streets or public places of the said city, all the citizens residing in such street or public place at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place, and that according to the assessed value of their properties;

Sweeping streets.

Water and
Gas Works.

For providing, out of the funds of the said city, for a supply of water for the citizens of the said city, and for the lighting of the said city with gas, or in any other way ; and for obliging the owners of immovable property in the said city, to allow the necessary works for these purposes to be done upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; Provided always, that in all these cases, the expense of such pipes, lamps and other necessary works shall be borne by the said Council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby ;

Proviso.

Board of
health, conta-
gious diseases,
&c.

For establishing a board of health, and conferring upon it all the privileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course or the general effects of contagious and epidemic diseases ; or to make such regulations as such Board of Health may deem necessary for preserving the citizens from the inroads of any contagious or epidemic disease, or for diminishing the effects or the danger thereof ;

Horses.

For regulating the way in which horses shall stand at rest, or be tied in the streets or in open sheds in the said city ;

Bathing.

For preventing or regulating bathing and swimming in the river, within the limits of the said city ;

Firing guns,
&c.

For regulating and preventing the firing of guns, pistols and other fire arms, and preventing the making of bonfires and the firing off of rockets and crackers ;

Fences.

For regulating the mode of making fences between the lands of adjacent proprietors ;

Water-courses.

For regulating and establishing the course of water-courses flowing from adjacent municipalities into the limits of the city, and obliging interested parties living beyond the limits of the municipality to work in the opening and clearing of the said water-courses, and to pay their share of the cost of erecting and maintaining bridges on such water-courses.

Municipal Act
to apply in cer-
tain cases as to
water-courses.

68. In respect of the powers conferred on the said Corporation concerning water-courses flowing from another municipality, the provisions contained in the Municipal and Road Act of Lower Canada, and the Acts amending the same, relative to works to be performed by two distinct municipalities shall be embodied in this Act as making part thereof.

By-laws for
protection
from fire.

69. For the better protection of the lives and properties of the inhabitants of the said city, and in order the more effectually to guard against danger from fire, the said City Council may make by-laws for the following purposes, that is to say :

For

For regulating and making obligatory the construction of *Coupe-feux* in masonry ;

Coupe-feux in masonry.

For regulating the construction, the dimensions and the form of chimneys and their height above the roofs, or even in certain cases above the surrounding houses and buildings ; and by whom the cost of the elevation of such chimneys shall be borne, and within what time such chimneys shall be raised ;

Chimnies.

For paying, out of the funds of the said city, all such outlay as the said Council may deem necessary for the purchase of fire engines or any other apparatus designed for the same use, or for adopting such means as shall seem to it most effectual for preventing such accidents by fire, or for stopping the progress of fire ;

Fire-engines and apparatus.

For making, authorizing or causing to be made after every fire in the said city, an inquiry in relation to the origin and causes of such fire, and to this end the said Council or any Committee authorized by it to that effect, may summon witnesses and compel them to appear, and may examine them on oath, which oath shall be administered by any member of the Council or of such Committee ; and may also deliver over to be imprisoned in the common gaol of the district, any persons against whom well-grounded causes of suspicion may be found of his having maliciously originated such fire ; Provided always, that coroners shall make such enquiries only after the refusal of the City Council to do so ;

Inquiring into causes of fires.

For regulating the manner in which chimneys shall be swept, and at what periods in the year ; and for granting licenses to such number of chimney-sweepers as the said Council shall think fit to employ ; and for compelling all owners, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney-sweepers ; and for fixing the rates to be paid, either to the Council or to such licensed chimney-sweepers, for such sweeping ; and for imposing a fine of not less than one dollar, nor more than ten dollars, on all persons whose chimneys shall have taken fire after their refusal to allow such chimneys to be swept ; which fine shall be recovered before the Mayor or any Magistrate residing in the said city ; and whenever a chimney which shall have so taken fire as aforesaid, shall be common to several houses, or to several households in the same house, the said Court shall have a right to impose the aforesaid fine wholly upon each house or upon each household, or to divide it between them, according to the degree of negligence which shall appear from the evidence given before such court ;

Sweeping of chimnies.

For regulating the mode in which ashes and quick lime shall be kept in the said city, and for preventing all inhabitants of the said city from carrying fire in the streets without the necessary

Ashes and lime.

Carrying fire
and lights.

necessary precautions; from making a fire in a street; from going from their houses to their out-houses and entering therein with lighted candles not enclosed in lanterns; and for regulating the mode of keeping and of transporting gunpowder or any inflammable or dangerous substances; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires; and finally, for making all the regulations they may think necessary for guarding against or diminishing dangers from fire;

Persons present
at fires.

For regulating the conduct of all persons present at any fire in the said city; for compelling the idle lookers-on to extinguish the fire or save the effects in danger; and for compelling all the inhabitants of the said city to keep constantly on hand in their houses, ladders, fire-buckets, fire-poles and fire-hooks, in order the more easily to arrest the progress of fire;

Gratuities for
casualties at
fires.

For defraying, out of the funds of the said city, any expenditure which the said Council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire in the said city, or in aiding or assisting the families of any of the persons so employed who shall have lost their lives at a fire, and in giving or distributing rewards in money or otherwise to those who shall have been particularly useful or zealous at any fire in the said city;

Pulling down
houses.

For giving to such members of the Council and the superior officers of the Fire Department who shall be designated in such by-laws, power to cause to be demolished, thrown down or blown up during a fire, any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the city;

Appointing
officers for
carrying out
fire regulations.

For nominating and appointing all the officers the said Council may deem to be required for causing the by-laws it may make in relation to dangers by fire to be put in execution; determining their duties and privileges, and remunerating them, if it think proper, out of the funds of the said city; and for regulating and establishing one or more companies of firemen; and for authorizing the officers whom it shall think proper to name for this purpose to visit and inspect, at seasonable hours, the interior or exterior of every house or building of any kind in the said city, for the purpose of ascertaining if the by-laws passed by the said Council, under the authority of this section, are regularly observed; and for obliging all owners or occupants of houses in the said city to admit such officers for the purpose hereinbefore set forth;

Fining fire-
men.

For imposing penalties upon the members of fire companies who shall fail to do their duty, not exceeding two dollars, but which may be less;

And

And the said City Council may, by a by-law for any one of the purposes for which the said Council is authorized by this Act to make any by-law, impose any fine which shall not be less than five shillings, nor more than five pounds currency, or imprisonment for a period not exceeding thirty days, or both, as it may deem expedient, for the putting in execution of the said by-laws; Fines for contravention of By-laws. Provided always, that the said City Council shall conform itself to the penalties mentioned in special clauses of this Act; Proviso. and the said City Council may, by a resolution passed at any regular meeting thereof, cause to be pulled down, demolished and removed when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and may determine the time and manner in which the same shall be pulled down, demolished and removed; and by whom the expense thereof shall be borne; and in case the party whose duty it is to pull down, demolish or remove any such old or dilapidated walls, chimneys or other buildings which the Council shall have so ordered to be demolished, shall neglect to comply with such order within the delay specified in the said resolution of the Council, the latter may cause it to be done and sue for and recover the expense thereof as a debt due to the said Council, before any one or more Justices of the Peace for the District of St. Hyacinth, residing in the said city. Pulling down dilapidated houses and buildings.

70. Before any by-law of the said City Council for the contravention of which any penalty shall be inflicted, can have effect and be binding, such by-law shall be posted up in the Council Hall of the said Council for fifteen days after its passing, and published during fifteen days in one newspaper published in the said city; provided always, that the by-laws which have been printed by order of the said City Council before the passing of this Act and of the Acts now in force, shall be in force until they are regularly rescinded and repealed; Publication of By-laws, before they come into force. provided also, that all by-laws which shall be repugnant to any law in force in the country, or to any Act of the Legislature of this Province, shall be null and of no effect. Proviso.

71. The Mayor or other officer for the time being, presiding at any meeting of the Council, shall have power to enforce his authority for the maintenance of order and decency by causing to be forcibly put out and excluded from the Council Chamber until the adjournment of the meeting, any member of the Council persisting in misdemeaning himself after the Mayor or officer so presiding shall declare him to be out of order: provided that upon a motion to that effect it shall be resolved by a majority of at least three-fourths of the members present, that the Mayor or officer presiding should enforce his authority in that behalf; and any motion to that effect shall always be held to be in order and shall be put and decided upon without debate. Powers for enforcing order and decency at meetings of the Council.

Arresting loose
and disorderly
persons on
view.

72. It shall be lawful for any police officer or constable of the said city, during the time of his being on duty, to apprehend on view, all loose, idle, and disorderly persons, that is all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard, or other place, and all prostitutes or persons wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this Act, who shall be in attendance at the nearest police station or watch house, in order that such person may be so secured until he or she can be brought before any one or more Justices of the Peace for the District of St. Hyacinth residing in the said city, to be dealt with according to law, and the provisions of this enactment, or to give bail to such officer or constable for his appearance before the said Justice or Justices if they shall think fit to take bail in the manner prescribed by the said Act; and it shall further be lawful for the said Justice or Justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences by confession or by oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars either immediately or within such period as may be thought fit, and be imprisoned in the common gaol or house of correction, at hard labor, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of twenty dollars, either immediately or within such period as may be thought fit, and that in default of such payment, either immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said common gaol or house of correction, at hard labor, for any time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed.

Imposing fines
on the same.

Imprisonment.

Punishment of
persons as-
saulting or
resisting peace
officers.

73. Every person who shall assault, beat or violently resist a constable or any peace officer, appointed by virtue of this Act, and in the execution of his duty, or who shall assist or incite any other person to assault, beat or violently resist such officer or constable, every such offender shall be liable on conviction thereof before one or more Justices of the Peace as aforesaid, to a fine of from eight to forty dollars, and to imprisonment for a period which shall not exceed two calendar months; provided always, that it shall be lawful for the said City Council, or for any such officer, to proceed, if the case is a serious one, by way of indictment against any such offender, but nevertheless, that only one judicial proceeding be adopted:

Proviso.

It shall be lawful for the said City Council to order the Inspector of the said City to notify those who may have made or who shall hereafter make encroachments on the streets or public places of the said city, by houses, fences, buildings or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said City Inspector on giving his notice; and if such persons have not removed such encroachments or obstructions in the time specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him sufficient assistance; and the said Council may allow the said Inspector his reasonable outlay, and recover the same before one or more Justices the Peace residing in the said City from such persons who shall have made such encroachments or obstruction;

Enforcing removal of encroachments

The said City Council shall have power, so often as a house shall be found within the line of a street or public place in the said City, to prevent the owner of such house from re-building it on the lot occupied by the demolished house; and it shall be lawful for the said Council to purchase such part of such lot as shall encroach on a street or to compel the owner of such lot to part with it for a sufficient indemnity; and such indemnity shall be fixed by arbitrators, named respectively by the said Council and the owner whom it shall be sought to dispossess, if either of the parties desires it; and the said arbitrators shall name a third in case of differing in opinion, and the said arbitrators after having been sworn by a Justice of the Peace, shall take cognizance of the contestation, and after visiting the said premises, shall settle the amount of the indemnity to be granted to such owner; and the said arbitrators shall have the right to decide which of the parties shall pay the costs of the arbitration.

Preventing the re-construction of buildings encroaching on any street, &c.

Indemnity to owners in certain cases.

74. Whenever the majority of the proprietors of real estate in a street or part of a street in the City of St. Hyacinth shall, by a petition addressed to the City Council, require the making of a common sewer, the macadamizing, planking, or making any other improvements, whatsoever, to such street or part of a street, the said Council may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment on all proprietors of lands, opposite to which such improvements may be made, or who shall be interested in such improvements, to defray the cost thereof; when any real property shall be situated on two or more streets, or on one or two streets and a public square, the said Council in passing such by-law shall decide what proportion or part of the said property is benefited by the special improvement made in such street or public square, and shall, in consequence, distribute the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Special assessments for certain purposes.

Apportionment of assessment.

75. Any person who shall swear or affirm falsely upon this administration to him of any oath, ordered by this Act to be administered,

False swearing to be perjury.

administered, shall be guilty of wilful and corrupt perjury, and shall be subject to all the pains and penalties of the said offence.

Penalties for
infringing By-
laws, how re-
coverable, &c.

76. If any person shall transgress any by-law or regulation made by the said City Council under the authority of this Act, such person shall, for such offence, forfeit the sum specified in any such by-law, rule or regulation, with the costs to be allowed by the Justice or Justices of the Peace who shall try such offences and shall order such fine and costs to be levied on the goods and chattels of the offender, and if the sale of such goods and chattels does not yield enough to pay such fine and costs, or in default of such goods and chattels, the offender shall be liable to be committed to the common gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; no person shall be deemed an incompetent witness upon any information under this Act by reason of his being a resident of the said City; provided always, that the information and complaint for any breach of any by-law or regulation of the said City Council shall be made within thirty days next after the time of the offence committed.

Proviso.

Arrest on view
in certain cases.

77. In addition to the powers and authorities hereinbefore conferred on constables, it shall be lawful for any constable, by day or night, to arrest, on view, any person contravening any of the by-laws of the said Council, and said constable may arrest any such offender, either after the commission of the offence, upon good and sufficient information given as to the nature of the offence and the persons of the offenders; and all persons so summarily arrested shall be safely kept until they can be brought before one or more Justices of the Peace to be dealt with according to law.

Persons as-
saulting con-
stables in the
execution of
their duty, how
dealt with.

78. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by the said Council and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before one or more Justices of the Peace, be liable to a fine of from two to ten pounds currency, or to imprisonment not exceeding two calendar months; provided always, that it shall be lawful for the said Council, or any such officer, if the offence be serious, to proceed by indictment against any such offender, and also by an action for damages in any Court of competent jurisdiction.

Proviso.

Power to pur-
chase land to
widen streets.
&c.

79. The said City Council shall have full and entire power to purchase and acquire, with the funds of the said city any land and immoveable property whatever in the said city, which it shall deem necessary for the opening or widening of any street, public place or market place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

80. The said City Council shall have full power and authority to purchase real property in the said City and also out of and beyond the limits thereof, if it think proper so to do, for any purpose of public utility, and especially in order to establish a public cemetery or public cemeteries in or near the said City, for the use and benefit of its inhabitants.

Purchase of
land for cem-
eteries, &c.

81. When the proprietor of a piece of land, situate within the limits of the said City, which the said City Council shall wish to purchase for any useful purpose, shall refuse to consent amicably to such sale, or when such proprietor shall be absent from the province, or when such piece of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the said Council may apply to the Circuit Court for the District of St. Hyacinth, or to any other court for the appointment by the said court, of an arbitrator, to make, in conjunction with the arbitrator of the said Council, a valuation of the said piece of land, with power to the said arbitrators to name a third in case of differing in opinion; and when the said arbitrators shall have made their report to the said Council at a regular sitting, it shall be lawful for the said Council to take possession of the said piece of land on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court, or the clerk of the Circuit Court at St. Hyacinth, for the use of the person entitled to it; and if any such person entitled to such indemnity do not present himself within six months after the making of the deposit in the hands of such Prothonotary or Clerk so to claim the sum deposited, it shall be lawful for the said Prothonotary or Clerk, and he is hereby required to return such sum to the Secretary-Treasurer of the said city, to be by him placed with the moneys of the said city, which sum shall bear interest at the rate of six per cent., and shall be payable by the said Council in capital and interest, to any person entitled thereto, within three months after a formal notification to pay such sum shall have been given to the Secretary-Treasurer of the said city.

Valuation of
land taken by
the City for
public pur-
poses, by ar-
bitrators in
certain cases.

Council may
take possession
on depositing
amount of
award.

How money
so deposited
shall be dealt
with.

82. The inhabitants of the said city shall be competent witnesses in any cause in which the said City Council of St. Hyacinth shall be a party, and shall not be held to be interested because they reside or are rate-payers therein.

Inhabitants
may be wit-
nesses.

83. All suits, actions or prosecutions which might, before the passing of this Act, be brought or commenced in the name of one of the Revenue Inspectors, in virtue of the sixth chapter of the Consolidated Statutes for Lower Canada, and any Acts which may have been or may hereafter be passed to amend the same, may hereafter be brought and commenced before one or more Justices of the Peace for the District of St. Hyacinth residing in the City of St. Hyacinth, in the name of the said Corporation or of any member of the Police Force of the said city.

Certain suits
formerly
brought by
Revenue In-
spectors, may
be brought by
Police-men and
where.

city, provided they are brought for offences committed within the limits of the said city; and all and every the provisions of the said last cited Act in regard to the said offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Justices.

Inconsistent enactments repealed.

S4. All the provisions of any law inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Act not to repeal any By-law.

S5. Nothing herein contained shall be construed to repeal any by-law heretofore made under any Act or part of any Act or provisions of law hereby repealed; and notwithstanding such repeal every such by-law now in force shall have the same force and effect as if this Act had not been passed unless and until the same be repealed or altered by virtue of this Act.

Public Act.

S6. This Act shall be deemed a Public Act.

C A P . X X I I I .

An Act to incorporate the Town of Joliette.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS from the increase of the population of the Village of Industrie, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making; and whereas the Municipal Council of the Parish of St. Charles Borromée, and a great number of the inhabitants of the Village of Industrie, have represented that it is necessary and desirable that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town, under the name of "Joliette:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of Joliette incorporated.

Corporate name and powers.

1. From and after the passing of this Act, the inhabitants of the Town of Joliette, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "Mayor and Corporation of the Town of Joliette," and separated from the County of Joliette and the Municipality of the Parish of St. Charles Borromée, for all Municipal purposes; and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead, and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law whatsoever; and shall have

have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town, of becoming parties to any contracts or agreements in the management of the affairs of the said Town, and of giving or accepting any notes, bonds or obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

Real property.

Bonds, notes,
&c.

2. The Town of Joliette shall be bounded as follows: On the north-east by the *Chemin des Prairies*, from the land of Joseph Deschamps, now the property of Edouard Guilbault, to the north-west line of the land of Joseph Landry; thence following the same line to the River L'Assomption, and from the said River L'Assomption to the line separating the land of François Papin, Esquire, from the land of Charles Longpré; to the north-west by the line separating the land of François Papin, Esquire, from that of Charles Longpré; to the south-west by the *trait quarré* of the lands of the Ruisseau St. Pierre, and to the south-east by the lands separating the domains of the Seigniors of Lavaltrie from the lands of Joseph Vessot and of Widow Narcisse Perrault, now the wife of Jean Baptiste Prudhomme, and thence by the north-west line of the land of the said Edouard Guilbault to the *Chemin des Prairies*.

Boundaries of
the town.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, seven fit persons who shall be and be called the Councillors of the Town of Joliette, and such Councillors, for the time being, shall form the Council of the said Town, and shall be designated as such, and shall represent, for all purposes whatsoever, the Corporation of the Town of Joliette.

Seven Coun-
cillors to be
elected.

4. 1. No person shall be capable of being elected Councillor of the Town of Joliette, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said town, of the value of four hundred dollars, after payment or deduction of his just debts:

Qualification of
Councillor.

2. No person shall be capable of being elected Councillor of the said Town of Joliette, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Further quali-
fications.

3. No person being in Holy Orders, or the ministers of any religious belief whatever, the members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers

Who may not
be Councillor.

on

on full pay in Her Majesty's army or navy, nor salaried civil officers, nor any person accountable for the revenues of the said town, or receiving any pecuniary allowance from the town for his services, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Councillor for the said town; provided always, that no person shall be held incapable of being elected Councillor for the said town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said town;

Proviso.

Who shall not be bound to accept the said office.

4. The following persons shall not be obliged to accept the office of Councillor of the said town, nor any other office to be filled by the Council of the said town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons, and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said town, who have been so within the last two years; and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office during the two years next after such service or payment.

Who may vote at municipal elections in the said town.

Freeholders.

Tenants.

Proviso: voter must have paid his taxes, and the receipt may be demanded.

5. The persons entitled to vote at the Municipal Elections of the said town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, and at the time holding as proprietors in their own names or in the names of their wives, real property in the said town, of the yearly value of twenty dollars, or of the actual value of two hundred dollars, as shown by the valuation roll then in force, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election, on a dwelling house or part of a dwelling house at the rate of not less than twenty dollars per annum; provided always, that no person qualified to vote at any Municipal Election in the said town shall have the right of having his vote registered, unless he shall have paid his municipal and school taxes due before such election; and it shall be lawful for any candidate at the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

Present By-laws to remain in force until altered, &c.

6. All by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the parish of St. Charles Borromée relating to the Village of Industrie, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished

or

or fulfilled; and the said Corporation, as constituted under this Act, shall succeed to and be substituted for all purposes whatsoever; in the engagements, rights and trusts of the Municipal Council of the parish of St. Charles Borromée, and as regards the right of property in all real estate held by the Corporation of the parish of St. Charles Borromée within the limits of the said Town, at the time this Act goes into force; Provided that nothing in this Act contained shall prevent the Municipality of the parish of St. Charles Borromée, from exercising any claim it may have with regard to the value of the market buildings erected within the limits of the said town of Joliette.

Corporation substituted to Council of St. Charles Borromée, as to certain property.

Proviso: as to market buildings.

7. The Municipal Elections for the said town, in virtue of this Act, shall be held in the month of January every second year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the doors of the churches, and in the markets of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act by the Sheriff of the District of Joliette, and in his absence by the Registrar of the County of Joliette, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

When the municipal elections shall be held; notice thereof.

Who shall give such notice.

8. 1. It shall be the duty of the Sheriff of the District of Joliette, or in his absence, of the Registrar of the County of Joliette, to preside at the election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for seven councillors, and at the closing of the poll, the said Sheriff shall declare the seven persons, who shall have obtained the greatest number of votes as Councillors, to be duly elected Councillors of the said Town; and in case the Candidates have an equal number of votes, the President shall give his casting vote:

Sheriff of Joliette to preside at the first election.

Time and mode of voting.

Casting vote in case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in afternoon of the second day, and shall then declare duly elected Councillors, such of the candidates as shall be entitled to be so declared elected;

Voting may continue two days, if one be insufficient.

Poll to be closed if no vote be given for one hour.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall be given to the person presiding;

Proviso.

Term of office of Councillors.

4. The Councillors elected at any of the municipal elections shall remain in office during two years;

How subsequent elections shall be conducted.

5. The subsequent elections of Councillors for the said town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Sheriff or Registrar, shall be so by the Mayor or by the senior member of the Council, retiring from office, who shall be present at the election, and who shall not on account of his so presiding be rendered ineligible as a Councillor, and the said person presiding shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Sheriff or Registrar for the first election, and the said Mayor, or Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Sheriff for the first election;

Who shall preside.

Powers of person presiding and his deputies.

6. The person who shall preside at an election, shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law as are vested in justices of the peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law; and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Appointment of special constables.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors:

Entry into office.

Poll books, &c., to be delivered up to

2. The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council,

Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

the Secretary-Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Councillors elected shall take the following oath before a Justice of the Peace :

First sitting :
Councillors to
take oath of
office.

“I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the Town of Joliette, to the best of my judgment and ability : So help me God.”

The oath.

And the members then present, provided they form a majority of the council shall at once proceed to elect from among their number, by a majority of votes of the members present, a Mayor for the said town, who shall hold office as such during the period for which he has been elected Councillor ; and forthwith thereafter they shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like case, unless they be person who are exempted from serving ;

Members then
present may
elect a mayor
others to be
fined.

4. The Councillors elected at the elections subsequent to the first, shall enter office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Councillors elected shall take the same oath, and then proceed to the election of a Mayor in the manner above stated ;

When the
Councillors
elected after
first election
shall go into
office.

5. Four members of the Council shall constitute a quorum ;

Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as ordinary elections :

New election
if a Councillor
refuses to act or
his election is
contested and
declared null.

Poll in such
case.

2. In case of the death of a Councillor, or in case of his absence from the town, or incapacity of acting as such, either

And in case of
the absence,

from

Death or incapacity of a Councillor.

from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Councillor to replace the Councillor so deceased, absent, or rendered incapable, as above mentioned; Provided, however, that notwithstanding the decease, absence, or inability to act of the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence, or inability to act on the part of the said Councillor, taken place;

Proviso: remaining Councillors may act.

Duration of office of new Councillor.

3. Every Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at any election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say:

The oath.

"I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of Joliette: So help me God."

Oath of qualification by voter if required.

12. Every person presenting himself to vote shall be bound before voting to take the following oath in the presence of the person presiding, if required so to do by the person presiding, or by any one of the candidates at the election, or his agent, or by any person duly qualified to vote at the said election:

The oath.

"I swear (or affirm) that I am qualified to take part in this meeting, that I am twenty-one years of age, and that I am duly qualified to vote at this election, that I have paid all local assessments or taxes due by me, and that I have not already voted at this election: So help me God."

False swearing or affirmation to be perjury.

13. If any person being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

Times and places of meeting of the Council.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place

place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any by-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

15. It shall be lawful for the Mayor of the said town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling the said meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the district of Joliette :

Contested elections to be tried by Circuit Court.

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town ;

Who may contest ;

3. The said contestation shall be brought before the Court by a petition signed by the petitioner or petitioners, or by any attorney duly authorized, setting forth in a clear manner the grounds for such contestation ;

And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received unless

Form of proceeding.

Time for contesting limited.

Security for costs.

unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the district of Joliette, or his deputy ;

Court may proceed in a summary manner.

Evidence.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing, or given orally in whole or in part, as the Court shall order ;

What may be declared by the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court ; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid ;

As to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the same, according as such defect or irregularity may or may not have materially affected the election.

New election in case any election shall not be held at the time appointed.

17. In case it shall at any time happen that an Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause, be deemed to be dissolved, and it shall be the duty of the members of the said Council, to meet again, for the purpose of fixing as early as possible, a day for the holding of such Election ; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election ; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Sheriff, and in his absence by the Registrar of the County of Joliette ; And if it be the first election which has not taken place, then it shall be the duty of the Sheriff, or in his absence, of the Registrar, to have it take place within the shortest possible delay.

If it be the first election.

Meetings to be public.

18. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any member of their own body, for any cause whatsoever,

whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings:

2. The said Council may appoint from among its members such and so many Committees, composed of such number of persons as it may deem expedient, to facilitate the transaction of business before the Council, and for the execution of such duties as may be assigned to them by the Council, but subject in everything to the approval, authority and control of the said Council. Council may appoint Councillors.

19. At its first general meeting, the Council shall proceed to the election of one of its members to be Pro-Mayor, and he shall be invested with all the rights, powers and privileges of the Mayor, in the absence of the latter, and shall take his place during such absence: Pro-Mayor, his duties, &c.

2. The Mayor, or in his absence, the Pro-Mayor or in the absence of both, that one of the Councillors who shall be chosen by a majority of the Councillors present, shall preside at the meetings of the Council; Who shall preside at meetings.

3. All contested questions shall be decided by a majority of the votes of the members present, including the President, and in case of an equal division the President shall also have the casting vote; Votes. Casting vote.

4. Neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office. Not to be paid.

20. 1. The Council, at its first general meeting, or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Joliette:" Secretary-Treasurer appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all meetings, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer shall be deemed authentic; and the Secretary-Treasurer shall be entitled to receive for every such copy or extract, a sum of five cents for every hundred words; Duties of Secretary-Treasurer. His certificate to make certain documents authentic.

Security to be given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties and for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before the security bond shall be accepted; such sureties shall be jointly and severally bound together with the Secretary-Treasurer, in the sum of one thousand dollars, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, to the amount aforesaid, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bond.

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be registered and its effect when registered.

6. Every such security bond, when duly registered in the registry office for the County of Joliette, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof;

Secretary-Treasurer to receive and pay out the moneys of the corporation.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

To keep the books.

8. The Secretary-Treasurer shall keep in due form books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure;

To render attested accounts.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December, in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath:

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

Books to be opened to public.

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof by way of damages, together with the costs of suit ;

He may be sued by the Mayor in the name of the Corporation if he fails to account.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Contrainte par corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

Council may appoint other officers.

14. Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or his departure from Lower Canada ;

In case of death or absence from Lower Canada.

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication* or otherwise to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation ; and every judgment

Their successors to have a right of action for certain purposes.

Contrainte par corps. judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed; their duties.

21. The said Town Council shall have power, whenever they may deem it advisable, to appoint assessors or valuers of property to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council; Provided that a valuation shall be made at least once in every three years.

Proviso.

Assessors to take oath.

22. Every person so appointed assessor shall be bound before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

The oath.

“ I, _____, having been appointed one of the assessors of the Town of Joliette, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability: So help me God.”

Real property qualification of Assessors.

23. The assessors who shall be appointed for the said town shall be proprietors of real estate in the said town, of the value of at least six hundred dollars.

Proceedings of Council upon deposit of assessment roll.

24. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; and at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the said Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the Council shall be compelled to adjourn,

Appeal by persons aggrieved.

Closing the roll.

adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property, in the said town, should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said town.

Proviso: as to diminution in value of property.

Proviso: as to omissions in rolls.

Proviso.

25. At the first meeting after each annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said town, that is to say:

Two Auditors of accounts to be appointed and sworn.

“ I, _____, having been appointed to the office of Auditor of the Town of Joliette, do hereby swear that I will faithfully perform the duties thereof according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said Town of Joliette: So help me God.”

The oath.

26. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning the same, and which may relate to any matter or thing under the control of or within the jurisdiction of the said Town Council, and may then remain unsettled; and to make their report to the Council of the said Town at least fifteen days before the day of the election.

Duty of Auditors.

Report.

27. The Auditors who shall be appointed for the said Town shall be proprietors of real estate therein of the value of at least four hundred dollars; provided always, that neither the Mayor, Councillors, nor Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Real property qualification of Auditors.

Proviso: certain parties disqualified.

28. The Mayor of the said Town shall, during the period of his office be a Justice of the Peace for the said Town; provided always, that he shall not be bound to take any other

Mayor to be Justice of the Peace.

Proviso.

oath

oath than the official one, to act as such ; any law to the contrary notwithstanding.

In what cases
Councillors
shall become
disqualified.

29. Every person holding the office of Councillor of the said Town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a Member of the Executive Council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town without the permission of the said Council, for more than three consecutive months, or who shall not be present at the meetings of the said Council for a period of three consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act ; provided always, that the word " Judge " employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to
be filled.

Proviso.

Town Council
may make By-
laws for certain
purposes.

30. It shall be lawful for the said Town Council from time to time, to make such by-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or unoccupied lots ; for the prevention and suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town ; and all the powers conferred by the Lower Canada Consolidated Municipal Act and its amendments, on any Municipal Council, and on the Councillors and officers of such Councils, not incompatible with this Act, shall apply to the corporation of the Town of Joliette, to the Municipal corporation, and to the Councillors and officers of the said corporation.

To have certain
powers under
Consolidated
Municipal Act
of Lower
Canada.

May appoint
and remove
officers.

31. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the by-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to insure the due execution of their duties :

Swearing in
constables.

2. All constables or policemen appointed by the Council may be sworn by the Mayor of the town without the intervention of any other Justice of the Peace.

32. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

Council may
levy taxes—

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town ;

Upon real
property.

2. On the following movable property, a sum not exceeding one-half of a cent in the dollar at the value herein specified ;

And upon cer-
tain movable
property.

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock kept for the purpose of stocking and carrying on farms, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Proviso : cer-
tain property
exempted.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ;

Upon mer-
chandize.

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Tenants.

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said town, an annual sum not exceeding one dollar ;

On certain professions, trades, &c.

Public houses.

Pedlers.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance companies.

All callings whatever.

Roll to be made.

7. And it shall be lawful for the said Town Council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating-houses, and on retailers of spirituous liquors ; and on pedlers and itinerant traders selling, in the said town, articles of commerce of any kind whatsoever ;—and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;—and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ;—and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses, in the said town ;—and on all money-changers or exchange brokers, pawn-brokers, and their agents, and on all bankers and banks and their agents ;—and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be exercised in or introduced into the said town, whether the same be or be not mentioned herein ; and the said Town Council may name a person or persons to make a roll of the persons and movable property mentioned in the different parts of this section ;

Commutation in respect to statute labour.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say : of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith ;

Investment of money in the hands of the Council.

9. And the said Town Council may also provide by resolution for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom, a revenue for the said Town.

Council may make By-laws with respect to—

Clerks of markets and their duties.

33. The said Council shall also have power to make by-laws :

1. For determining and regulating the duties of the Clerks of the markets in the said town, and all other persons they may deem proper to employ to superintend the said markets ;
and

and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Weighing and measuring.

2. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said town;

Amending By-laws.

3. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets;

Vehicles on markets.

4. For preventing persons bringing provisions of any kind into the said town, from selling or exposing them for sale in any other place than the markets of the said town;

Sales elsewhere than in markets.

5. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said town, by strangers, or persons residing therein; and for authorizing the seizure and confiscation of all grain, meats, flour, butter, potatoes, and all other vegetables, fruits, goods or other articles brought into the said town for sale or otherwise, by reason of any deficiency in weight, measure or quality, or for any other good and sufficient reason;

Cordwood, coals, hay, &c.

6. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters, the By-laws which the said Council shall hereafter deem useful to establish;

Sales by weight and measure or quantity.

7. For preventing obstructions of any nature whatsoever in streets;

Obstructions.

8. For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sales on public highways.

9. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

Sale of intoxicating liquors.

10. For determining under what restrictions and conditions the Collector of internal revenue shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers and other persons, to sell such liquors;

Licenses.

- Sum payable.** 11. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;
- Regulation of shop-keepers.** 12. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;
- Sale of liquor to children, &c.** 13. For preventing the sale of intoxicating beverage to any child, apprentice or servant ;
- Cruelty to animals.** 14. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town ; or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight ;
- Bread.** 15. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said town ;
- Servants and apprentices.** 16. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;
- Gaming houses.** 17. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town ;
- Pounds.** 18. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said town ;
- Police.** 19. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and determining their duties ;
- Burials.** 20. For fixing and regulating the places where burials may take place within the said town ; for compelling the removal of bodies which shall have been interred contrary to this section ; provided always, that this section shall not extend to prevent burials in the churches of the said town ;
- Proviso.**
- Enclosures.** 21. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same, and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit so to do ;

22. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby; and in the event of the proprietors of such lands, being unknown, or having no representative or agent in the said town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in or enclosed them at their cost, if they are not already fenced in or enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same;

Draining and fencing of lands.

If the owner is poor, &c. Hypothec in such cases.

23. To oblige all proprietors or occupants of houses in the said town, to remove, from the streets, all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever;

Encroachments.

24. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets, all sheds, all stables, and other outbuildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne;

Old and ruinous buildings.

25. For regulating the width of streets to be opened hereafter in the said town; for regulating the height or level of any street or sidewalk in the said town; provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said town, such damage shall be paid to such person after having been assessed by arbitrators, if any of the parties require it;

Width of streets.

Proviso.

26. For defraying, out of the funds of the said town, the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner, and for obliging the proprietors of real property, in or outside the said town, to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council;

Water and gas.

Proviso.

Proviso.

Common
sewers.

27. For assessing the proprietors of real property situate on any of the streets of the said town, for such sums as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said town, such assessment being in proportion to the assessed value of such property; and for regulating the mode in which such assessment shall be collected and paid;

Sweeping, re-
moving snow
and watering,
&c.

28. For assessing, at the request of a majority of the citizens, residing in any of the streets or public squares of the said town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property;

Raising money
for roads,
bridges, &c.

29. To raise all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said town, and of bridges and other public works outside the limits of the said town;

Damages from
riots and tu-
mults.

30. To assess, over and above all other rates specially established by this Act, all the citizens of the said town to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said Council shall neglect or refuse, within six months after such destruction or damages, caused to any property in the said town, to pay a reasonable indemnity, to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of Courts of Justice in this Province;

Liability of
Council.

Steam engines.

31. To fix the place for the erection of any manufactories or machinery worked by steam in the said town;

Contagious
diseases.

32. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the town from any contagious diseases, or for diminishing the effects or the danger thereof;

Board of
health.

Gambling.

33. To restrain and prohibit all playing of cards, dice or other games of chance, with or without betting, in any hotel, restaurant, tavern or shop, either licensed or unlicensed, in the said town;

34. To prevent and punish any riot or noise, disturbance or disorderly assemblages ; to give power and authority to enter into all stores, grog-shops, taverns, hotels and all other houses and places of public entertainment, whether licensed or unlicensed, in the said town ;

Riots and disturbances.

35. To detect and arrest on view such persons as may be found gaming, playing at cards, dice, or other games of chance, or cock-fighting or dog-fighting therein, contrary to any by-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein ;

Arrest on view of certain offenders.

36. To compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the sidewalks in front of such premises, and to punish them for not so doing ;

Removing snow, dirt, &c.

37. To prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood or any other substance or material whatsoever ;

Removing incumbrances.

38. To prohibit and punish, or license, or regulate the sale or hawking of fruits, nuts, cakes, refreshments, bread, jewelry, and merchandize of all kinds, in and upon or along the sidewalks, alleys and public squares of the town ;

Hawking.

39. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap or candle factory, tannery, stable, barn, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said town ;

Unwholesome manufactories.

40. To prohibit any person from bringing, depositing or leaving, within the town limits, any dead body or any dead carcass, or other unwholesome or offensive substance, and to require the removal of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default to authorize the removal or destruction thereof by some Town Officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same ;

Offensive substances.

41. To regulate and prevent the running at large of dogs in the said town, and to authorize the destruction of all dogs running at large, contrary to any by-law of the said town ;

Dogs.

42. To establish a tariff of fines and dues to be paid at the public pounds, now or hereafter to be established in the said town ;

Pound dues.

Hucksters.

43. To regulate hawkers and persons purchasing for the purpose of selling again, articles brought into the said town, and to impose rates and taxes upon the exercise of their trade;

Weight and sale of bread.

44. To regulate the sale and weight of bread, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation of any and all bread so exposed for sale contrary to the said By-laws, or that may be light or unwholesome; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread for the purpose of examining and weighing the same, and to do any other act or thing deedful or necessary, or that may be deemed so for the public benefit and security to carry out such purpose, or to enforce such By-laws;

Keeping streets, drains, &c., in order.

45. To regulate, clean, repair, amend, alter, widen, contract, straighten or discontinue the streets, squares, alleys, highways, bridges, side and cross-walks, drains and sewers, and all natural water courses in the said town, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury; and also to determine the course of all natural water-courses passing through private property in the said town, and to regulate all matters concerning the same, whether the said water-courses be covered or not; they shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees in the streets, squares and highways of the said town;

Natural water-courses.

Ornamental trees.

46. To regulate the manner in which horses shall stand and be secured in the streets and open sheds in the said town;

Horses.

47. To prevent or regulate bathing and swimming in the river within the limits of the said town;

Bathing.

48. To regulate and prevent the discharging of guns, pistols and other firearms, and to prevent *feux de joie* and the discharging of fireworks.

Fire-works.

34. For the better protection of the said town and of the lives and property of the inhabitants of the said town, and for more effectually preventing accidents by fire, the said council may make By-laws for the following purposes, that is to say:

Prevention of accidents by fire.

Chimneys.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired;

Fire engines.

2. For defraying, out of the funds of the said town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires,

fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;

3. For imposing penalties (not exceeding two dollars) on members of fire companies who shall neglect their duties ;

Penalties.

4. For preventing thefts and depredations which may be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said council in the discharge of any duty assigned him by the said council under the authority of this section ;

Thefts at fires.

5. For establishing or authorizing and requiring to be established after each fire in the said town, a judicial enquiry into the cause and origin of such fire, for which purpose the said council or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any members of the said council or of such committee; and the said council or committee may also deliver over to be imprisoned in the common gaol of the district any person against whom well-grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Enquiring into causes of fires.

6. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps ; and for imposing a penalty of not less than one or more than five dollars on all persons refusing to allow their chimneys to be swept or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace ; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shown on proof before him ;

Sweeping of chimneys.

Licensing sweeps.

Fines for not sweeping, &c.

7. For regulating the manner in which ashes or quick lime shall be kept in the said town, and for preventing the inhabitants of the said town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they

Ashes and quick lime.

may deem necessary for preventing or diminishing accidents by fire ;

Conduct at fires.

8. For regulating the conduct of all persons present at any fire in the said town ; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order more easily to arrest the progress of fires ;

Persons wounded at fires.

9. For defraying out of the funds of the said town any expenses which the said council shall deem expedient to incur, in aiding or assisting any person in their employ who shall have received any wound or contracted any severe disease at any fire in the said town ; or in assisting or providing for the family of any person in their employ who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town ;

Demolition of buildings in certain cases.

10. For vesting in such members of the council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said town ;

Appointment of officers.

11. For appointing all such officers as the said council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said town ;

Authorizing officers to visit and inspect buildings, &c.

12. For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said town, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said town, to admit such officers for the purposes aforesaid.

Duty of Secretary-Treasurer upon completion of collection-roll.

35. 1. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice ;

2. If at the expiration of the said twenty days there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and, at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with respect to arrears.

3. If any person neglects to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor authorizing the seizure and sale of the goods and chattels of the persons bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said town, addressed to one of the sworn bailiffs for the district of Joliette, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

Proceedings in case of neglect to pay assessments.

Levying by seizure and sale.

36. 1. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said town, may be recovered, either from the proprietor, tenant or occupant of such property or house ; and if such tenant or occupant be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupant may and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property ;

From what parties taxes may be recovered.

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty, or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform, to be done, and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent.

Council may cause work to be done, if proprietor be absent or poor.

Hypothec in such case.

37. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the town shall not reside within the said town and the rates and assessments

Case of absentee proprietor of vacant ground on which taxes

remain unpaid
provided for.

Sale.

Proviso : right
to redeem
within a year
on certain
conditions.

Proviso : as to
balance of pro-
ceeds of sale.

Assessments
may be remit-
ted in certain
cases.

Penalties for
infringing By-
laws, how re-
coverable, &c.

Imprisonment
in default.

assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court in and for the District of Joliette, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Joliette is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, and in an English newspaper, published or circulated in the district of Joliette, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Joliette, who shall be designated by the said Council; Provided always that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay that may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate, together with all the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; and provided also, that if, after such sale of property belonging to persons residing out of the town, any surplus shall remain over and above the sum due to the said Council for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said town, as a loan, at the rate of six per cent., until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

38. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

39. If any person shall transgress any order or regulation made by the said Town Council, under the authority of this Act, such person shall, for such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justice of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed

to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said town of Joliette; provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council; and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said town, and infringing at the same time the by-laws of the said Council as regards the weight and quality of such goods, articles and provisions:

Proviso: as to witnesses.

Proviso: penalties and imprisonment limited.

Forfeiture of articles exposed to sale against By-laws.

2. The Secretary-Treasurer of the said Town Council shall be *ex officio* clerk to the Mayor or any other Justice of the Peace before whom any proceedings or action shall be taken or brought under this Act or under any by-law made in virtue thereof.

Secretary-Treasurer to be Justice's Clerk.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments shall be privileged debts.

Proviso.

41. The tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of chapter one hundred and two of the Consolidated Statutes for Lower Canada, shall apply to the Town of Joliette, and the said sections shall be deemed to form part of this Act, and in all cases in which, under the above provisions, a Justice of the Peace may commit a person brought before him, in either of the cities of Montreal or Quebec, to the common gaol or house of correction, any Justice of the Peace may imprison for any period not exceeding thirty days, either in the common gaol of the district or in any other house or place of detention established by the Town Council for that purpose, any person brought before him in the said town.

Certain provisions of Cap. 102 of Con. Stat. L. C. to apply to Joliette.

42. The fines and penalties recovered under this Act, and under the laws of police and other laws applicable to the said town, and under the by-laws of the said Town Council, shall

Application of fines and forfeitures.

be

be paid to the Treasurer of the said Town Council, and shall form part of the funds of the said town, any law to the contrary notwithstanding.

By-laws, &c.,
to be published
before coming
into force.

43. Before any by-law of the said Town Council shall have force or be binding, such by-law shall be published in the French language, by reading the same at the door of the parish church of the said town on the two Sundays next after the passing of such by-law, and by posting up at the door of the said church, in the office of the Secretary-Treasurer of the said Council, and in the public market of the said town, within fifteen days after the passing of the by-law, a public notice, certified by the Secretary-Treasurer, in which mention shall be made of the date and purport of the said by-law, and of the place at which information concerning it may be obtained, after which such by-law shall have full force and effect.

Council may
effect loans
for certain
purposes.

44. It shall be lawful for the said Town Council from time to time to borrow divers sums of money for effecting improvements in the said town, for the purpose of building one or more market-houses, or for draining the streets, or for furnishing the said town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council
with respect
to loans.

45. Whenever the said Council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this province, and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which sinking fund shall consist of a deposit made in a savings bank annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in such savings bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and sinking fund united shall absorb one-half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and sinking fund of their loans any sum exceeding half their revenues; and provided also, that it shall be lawful for the said Town Council, if the lenders consent to or require it, to deposit in the hands of such lenders, instead of in a savings bank, the annual sums which shall have been agreed upon to form the sinking fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall

Sinking Fund.

Proviso: when
the interest and
sinking exceed
a certain sum,
no new loan to
be contracted.

Proviso: pay-
ment to lenders
instead of sink-
ing fund.

shall have been paid on account of interest and what amount shall have been paid into the sinking fund.

46. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said town, and to confine him in the common gaol of the district or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Members of Council may order arrest of disorderly persons.

47. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the official who shall have the charge of the prison or any other place of detention in the said town, in order to the safe keeping of the said person until he shall be brought before the Mayor or other magistrate, to be dealt with according to law.

Powers of constables to arrest offenders in certain cases.

48. In addition to the powers and authorities hereinbefore conferred on constables, it shall be lawful for any constable, by day or night, to arrest, on view, any person contravening any of the by-laws of the said Council, and such constable may arrest any such offender, either after the commission of the offence, upon good and sufficient information given as to the nature of the offence and the persons of the offenders; and all persons so summarily arrested shall be safely kept in the gaol of the district of Joliette until they can be brought before the Mayor or other magistrate, to be dealt with according to law.

And offenders infringing By-laws.

49. Any person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

50. The following property shall be exempt from taxation in the town of Joliette:—

Certain property exempt from taxation.

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors;
2. All Provincial property and buildings;
3. Every place of public worship, presbytery and its dependencies, and every burying-ground;
4. Every public school-house and the ground on which the same is constructed;
5. All buildings, grounds, and property occupied or possessed by hospitals or charitable or educational establishments.

Certificates for tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Removal of encroachments on public streets or squares.

53. It shall be lawful for the said town Council to order the Inspector of the said town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said town Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Penalty for granting or using false receipts for rent in order to lessen taxes.

54. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive

deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house; and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefore, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter, in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent re-erection of buildings in certain cases.

56. The said Council shall have full power to purchase and acquire, out of the revenues of the said town, all such lots, lands, and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building; or generally for any object of public utility of a municipal nature.

Council may acquire lands for certain purposes.

57. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, and shall refuse to appoint an arbitrator, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots; or wives *sous puissance de maris*, the said council may apply to a judge of the superior court, and in his absence, to the prothonotary of the said court, for the appointment of an arbitrator, appointed by the said court to make, conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said council, at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price at which it has been valued by the said arbitrators, in the hands of the prothonotary of the superior court in and for the district of Joliette for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount

Arbitration in cases of disagreement as to the value of property taken for town purposes.

Deposit of indemnity awarded.

If not claimed within six months.

amount shall have been deposited in the hands of such prothonotary, to claim the sum so deposited, it shall be lawful for the said prothonotary, and he is hereby required, to remit such sum to the secretary-treasurer of the said council, to be deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said council to any person entitled to receive the same, within three months after a formal notification to the mayor and to the secretary-treasurer of the said town to pay the same.

Penalties for refusal to accept office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

Mayor.

The office of Mayor, thirty dollars ;

Councillor.

The office of Councillor, twenty dollars :

On valuator neglecting their duties.

2. Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within three months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of three months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed ;

Penalties for refusing to perform duties of office.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars ;

For voting without qualification.

4. Every person who shall vote at any election of Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

On inspectors of roads for neglect of duty.

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the by-laws of the Council, shall, for each day on which such offence has been committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence ;

6. Every person who shall hinder or prevent, or attempt to hinder or prevent any officer of the Council, in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any by-law or order of the said Council, shall incur a penalty of twenty dollars for every such offence, over and above any damages which he may be liable to pay ;

Penalties for hindering officers in the performance of their duties.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any by-law or order of the said Council, to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Persons defacing notices, &c.

59. All the penalties imposed by this Act, or by any by-law made by the Council, may be recovered before the Circuit Court for the district of Joliette, or before any Justice of the Peace residing in the said town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit in accordance with the tariff of such Court, provided always that the Justice of the Peace who signed the writ of summons or warrant, shall be empowered to sit alone at any stage of the case to the exclusion of all others.

Penalties how to be recovered.

60. This Act shall be deemed a Public Act, and shall go into force on the first day of January, one thousand eight hundred and sixty-four.

Public Act. Commencement.

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection Roll.

Public notice is hereby given that the Collection Roll of the town of Joliette is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned, at his office, within twenty days from this day, without further notice.

C A P . X X I V .

An Act to incorporate the Village of Beauharnois as a Town.

[Assented to 15th October, 1863.]

WHEREAS from the increase of the population of the Village of Beauharnois, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out

Preamble.

out the improvements which they are desirous of making; and whereas the Municipal Council of the said village have represented that it is necessary that more ample provisions be made in that behalf, and that the said village be incorporated as a town, under the name of "Beauharnois": Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of
Beauharnois
incorporated.

Corporate
name and
powers.

Real property.

Bonds, notes,
&c.

Boundaries of
the town.

Division into
wards.

North ward.

Centre ward.

1. From and after the passing of this Act, the inhabitants of the Town of Beauharnois, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the Mayor and Council of the Town of Beauharnois, and separated from the County of Beauharnois for all Municipal purposes; and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead, and be impleaded, answer and be answered unto, in all courts and in all actions, causes, and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said town, of becoming parties to any contracts or agreements in the management of the affairs of the said town, and of giving or accepting any notes, bonds or obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

2. The boundaries and limits of the said Town of Beauharnois shall be as follows:—Commencing at the Lake St. Louis, on the line between lots two and three, Lake St. Louis Range, Ormstown, thence following the said line south-easterly until it connects with the continuation of the rear line of the land of the District Gaol and Court House, thence westerly by the line in rear of the Gaol and Court House to the Beauce Road, thence westerly on a line parallel with Hannah street in the said Town of Beauharnois, to the north-westerly side of the St. Louis Road, thence north westerly and at right angles with the St. Louis Road to the centre of the River St. Louis, thence following the said River St. Louis to the said Lake St. Louis and thence to the place of beginning: And the said Town shall be divided into three wards:

First.—North Ward, which shall include St. Laurent street along its whole length, and all the streets extending to the River St. Lawrence, commencing in St. Laurent street aforesaid, and all the lots fronting on the said last mentioned street.

Second.—Centre Ward, which shall include Ellice street along its whole length, all the small streets extending from St. Laurent street to Ellice street, and all the lots fronting on Ellice street.

Third.—

Third.—South Ward, which shall include Hannah street along its whole length, the streets extending from Ellice street to Hannah street, the streets extending to the Domaine St. Louis, and the lots fronting on Hannah street. South ward.

3. There shall be elected from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the Town of Beauharnois, and six fit persons, two in each ward, who shall be and be called the Councillors of the Town of Beauharnois; and such Mayor and Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Beauharnois. Mayor and six Councillors to be elected.
To form the Town Council.

4. 1. No person shall be capable of being elected Mayor or Councillor of the Town of Beauharnois, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said town, of the value of four hundred dollars, after payment or deduction of his just debts; Qualification of Mayor and Councillors.

2. No person shall be capable of being elected Mayor or Councillor of the said Town of Beauharnois unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years; Further qualifications.

3. No person being in Holy Orders, nor the ministers of any religious belief whatever, the members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or Officers of any of the said Courts, nor Officers on full pay in Her Majesty's army or navy, nor salaried civil Officers, nor any person accountable for the revenues of the said town, or receiving any pecuniary allowance from the town for his services, nor any other officer or person presiding at the election of the Mayor or the Councillors while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having in person or through his partner any contract whatever or interest in any contract with or for the said town, shall be capable of being elected Mayor or Councillor for the said town; provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said town, from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the said town; Who may not be Mayor or Councillor.
Proviso.

4. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said town; nor any other office to be filled by the Council of the said town, viz:—Members of the Provincial Legislature, practising physicians, surgeons, and apothecaries, schoolmasters actually engaged Who shall not be bound to accept the said offices.

engaged in teaching, persons over sixty years, and the members of the Council of the said town who have been so within the last two years; and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office during the two years next after such payment.

Who may vote at municipal elections.

5. The persons entitled to vote at the municipal elections of the said town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time of real property in the said town of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election on a dwelling-house or part of a dwelling-house at the rate of not less than eighteen dollars per annum; provided always, that no person qualified to vote at any municipal election in the said town, shall have the right of having his vote registered, unless he shall have paid his municipal and school taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding over the said election to require the production of the receipts, setting forth the payment of such assessments so due as aforesaid.

Proviso.

Voter must have paid his taxes, and the receipt may be demanded.

Present Mayor and Councillors to remain until first election.

Present By-laws to remain in force until altered, &c.

6. The Mayor and Councillors of the said town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the village of Beauharnois, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled; and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever in the engagements, rights and trusts of the Municipal Council of the village of Beauharnois, as heretofore constituted.

When the municipal elections shall be held; notice thereof.

7. The municipal elections for the said town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the doors of the churches, and in the market of the said town, and read at the door of the Roman Catholic church in the said town, at the issue of divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Sheriff of the district of Beauharnois, whose duty it shall be to preside at the said first election, and for all subsequent elections the said notice shall be signed by the Mayor or the

Who shall give such notice and preside.

the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

8. It shall be the duty of the Sheriff of the district of Beauharnois to preside at the election, which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes, from nine of the clock in the forenoon until four in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for six councillors, and shall be entitled at the same time to vote for a Mayor of the said town, and at the closing of the poll, the said Sheriff shall declare the six persons who shall have obtained the greatest number of votes as Councillors to be duly elected Councillors of the said town, and the person who shall have received the greatest number of votes as Mayor, to be duly elected Mayor of the said town; and in case the candidates have an equal number of votes, the Sheriff shall give his casting vote:

Sheriff of
Beauharnois to
preside at the
first election.

Mode of voting.

Mayor to be
elected at the
same time, &c.

Casting vote in
case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day, and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Voting may
continue two
days if one be
insufficient.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding, to close the said election, and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall be given to the person presiding;

Poll to be
closed if no vote
be given for one
hour.

Proviso.

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot, in the manner to be established by the Council, which of the Councillors shall thus retire from office at the end of the first year;

Duration of
office of Mayor
and Council-
ors.

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of three Councillors for the said town, shall take place in the same manner and within the same delays as the first, with the exception however, that the said elections, instead of being presided over and conducted by the Sheriff, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election ; and the said Councillor shall make a proclamation of the persons elected, in the same manner, at the same hour, and in the same place as the Sheriff for the first election ; and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Sheriff for the first election ;

Powers of persons presiding and his deputies.

6. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law ; and it shall be lawful for the person so presiding, to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day and the hour appointed by him for the first meeting of the Council to take place after their said election ; the Mayor and Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors ;

Entry into office.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

2. The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

First sitting : Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected, shall take the following oath, before a Justice of the Peace :

" I, A. B., do solemnly swear faithfully to fulfil the duties of The oath.
 " member of the Council of the town of Beauharnois, to the
 " best of my judgment and ability : So help me God."

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ; Majority then present may act, others to be fined.

4. The Mayor and Councillors elected at the elections subsequent to the first shall enter office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving ; When the Mayor elected after first election shall go into office.
First meeting.
Penalty for absence.

5. Four members of the Council shall constitute a quorum ; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation. Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor within the same delay, and in that case the poll shall be held at the town hall or office of the town only, and the said election shall be conducted in the same manner as annual elections : If the Mayor or any Councillor refuse to act or his election is contested.
If the Mayor refuse, &c.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity to act as such either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned ; and in case the votes of the said Councillors are equally divided in the appointment of a person to replace the Mayor, the election shall proceed in the manner mentioned in the preceding paragraph ; Provided, however, that notwithstanding the decease, In case of the absence, death or incapacity of Mayor or Councillors.
If the votes are equally divided, &c.
Proviso :
 absence,

remaining
Councillors
empowered
to act.

absence, or inability to act of the said Mayor or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil had not such decease, absence, or inability to act on the part of the said Mayor or Councillor, taken place;

Term of office.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say :

The oath.

“ I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of Beauharnois : So help me God.”

Times and places of meeting of the Council.

12. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the town-hall, or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence as may be provided by any by-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

Mayor may call special meetings.

13. It shall be lawful for the Mayor of the said town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling the said meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

And in case of his absence or refusal.

- 14.** 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the district of Beauharnois : Decision of contested elections by Circuit Court.
2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town ; Who may contest ;
3. The said contestation shall be brought before the Court by a petition signed by the petitioner or petitioners, or by any attorney duly authorized, setting forth in a clear manner the grounds for such contestation ; And how.
4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor or Councillor or Councillors whose elections is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the district of Beauharnois, or his Deputy ; Form of proceedings. Time for contesting limited. Security for costs.
5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing, or given orally in whole or in part, as the Court shall order ; Court may proceed in a summary manner. Evidence.
6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court ; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid ; What may be declared by the judgment.

As to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the same, according as such defect or irregularity may or may not have materially affected the election.

Provision in case any election shall not be held at the proper time.

15. In case it shall at any time happen that an annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause, be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such annual municipal election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Sheriff; and if it be the first election which has not taken place, then it shall be the duty of the Sheriff, to have it take place within the shortest possible delay.

Fine on party in default.

If it be the first election.

Meetings to be public.
Exception.

16. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any member of their own body, for any cause whatsoever, in which case it shall be lawful for the said Council to sit with closed doors.

Mayor to preside at Council meetings, and to have casting vote but neither he nor the Councillors to have any pay as such.

17. The Mayor of the said town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion; but not to vote, on all questions which shall be brought before the Council; provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; provided, also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Proviso.

Secretary-Treasurer appointed.

18. 1. The Council, at its first general meeting, or at a special meeting held within the fifteen days, which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Beauharnois;"

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all Sessions and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic; Duties of Secretary-Treasurer.
3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned; His certificate to make certain documents authentic.
4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office; Security to be given by him.
5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same; Sureties and for what bound.
6. Every such security bond, when duly registered in the registry office of the County of Beauharnois, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof; Security bond.
7. The Secretary-Treasurer of the said Town shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized under this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby; To be registered; and its effect when registered.
8. The Secretary-Treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into Secretary-Treasurer to receive and pay out the moneys of the corporation.
- into To keep books of account.

into his hands, or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

To render attested accounts.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December, in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

Books to be open to public.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal officers by them appointed, or to any person liable to assessment in the town ;

He may be sued by the Mayor in the name of the Corporation in default of rendering proper accounts.

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof by way of damages, together with the costs of suit ;

Damages in such suit.

Contrainte par Corps.

12. Every such judgment shall carry *contrainte par corps* against the said secretary-treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Council may appoint other officers.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any by-law or regulation of such council ;

Officers retiring—their duty.

14. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

In case of death or absence from Lower Canada.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor, within

within one month from his death or his departure from Lower Canada;

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, whenever the said *contrainte* is demanded by the declaration.

Their successors to have a right of action for certain purposes.

19. The said Town Council shall have power whenever they may deem it advisable, to appoint three assessors or valutors of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to be appointed; their duties.

20. Every person so appointed assessor shall be bound before proceeding to the valuation of any property in the said town, to take the following oath before the mayor of the said town, or in his absence, before a councillor, to wit:

Assessors to take oath.

“ I, _____, having been appointed one of the assessors of the town of Beauharnois, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability: So help me God.”

The oath.

21. The assessors who shall be appointed for the said town shall each be a proprietor of real estate in the said town of the value of at least six hundred dollars.

Real property; qualification of Assessors.

22. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the secretary-treasurer of the said town, and notice of such deposit shall be given by the secretary-treasurer in the same manner as notice of an election of councillors; and at the next ensuing meeting of the said council, the said assessment roll shall be produced, and if they desire it, examined by the councillors; and the assessment roll shall be deposited in the office of the secretary-treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the secretary-treasurer of their intention to appeal to the said town council, complaining of any excessive valuation, and such appeal shall be tried

Proceedings of Council upon deposit of assessment roll.

Appeal by persons aggrieved.

Correction by Council.

Closing the Roll.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso : yearly valuation of merchandize.

Two Auditors of accounts to be appointed and sworn.

The oath.

Duty of Auditors.

Real property qualification of Auditors.

Proviso : certain parties disqualified.

tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor or presiding councillor, shall confirm or alter the valuation the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property, in the said town, should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also that the said assessors shall, when directed by the said council, make a yearly valuation of the stocks of merchandize held in the said town.

23. At the first meeting after each annual municipal election, two persons shall be appointed by the said town council to be auditors of the accounts of the said council; and such auditors shall take the following oath, before any one of the Justices of the Peace residing in the said town, that is to say:

"I, _____, having been appointed to the office of auditor of the town of Beauharnois, do hereby swear that I will faithfully perform the duties thereof according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by or on behalf of the town council of the said town of Beauharnois: So help me God."

24. It shall be the duty of the auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said council or concerning them, and which may relate to any matter or thing under the control of or within the jurisdiction of the said town council, and which may then remain unsettled; and to make their report to the council of the said town at least fifteen days before the day of the annual election.

25. The auditors who shall be appointed for the said town shall each be a proprietor of real estate therein of the value of at least two hundred dollars; provided always, that neither the mayor, councillors, nor secretary-treasurer of the said town, nor

nor any person receiving any salary from the said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said town.

26. The Mayor of the said Town shall, during the period of his office, be a Justice of the Peace for the said Town; provided always, that he shall not be bound to take any other oath than his official one as Mayor, to act as such; any law to the contrary notwithstanding.

Mayor to be Justice of the Peace.

Proviso.

27. Every person holding the office of Councillor of the said Town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a Member of the Executive Council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town without the permission of the said Council, for more than three consecutive months, or who shall not be present at the meetings of the said Council for a period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

In what cases Councillors shall become disqualified.

Vacancy to be filled.

Proviso.

28. It shall be lawful for the said Town Council from time to time, to make such by-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or unoccupied lots; for the prevention and suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town.

Town Council may make By-laws for certain purposes.

29. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the by-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

May appoint and remove officers.

Council may
levy taxes—

30. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

Upon real
property ;

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town ;

And upon cer-
tain movable
property to a
certain extent.

2. On the following movable property, a sum not exceeding one-half of a cent in the dollar at the value herein specified ;

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two-horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

Proviso : cer-
tain personal
property ex-
empted.

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Upon mer-
chandize.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale in shops or kept in stores, a tax of one-half per cent, on the estimated average value of such stocks in trade ;

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent;

Tenants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar;

Poll tax on male inhabitants.

6. On every dog kept by persons residing in the said town, an annual sum of one dollar;

Dogs.

7. And it shall be lawful for the said Town Council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors; and on pedlers and itinerant traders selling, in the said town, articles of commerce of any kind whatsoever;—and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever;—and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable-keepers, brewers and distillers; and on all merchants and manufacturers, and their agents;—and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses, in the said town;—and on all money-changers or exchange brokers, pawn-brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents;—and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said town, whether the same be or be not mentioned herein; and the workmen of all mechanical arts and trades, exercised in the said town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said town, practising the profession of a lawyer, or of a physician, or of a land surveyor, or of a notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make a roll of the persons and moveable property mentioned in the different parts of this section;

On certain professions, trades, &c.

Public houses.

Pedlers.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance companies.

All callings whatever.

Workmen to be taxed in classes.

Lawyers, Doctors, &c.

Roll to be made.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say: of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always,

Commutation in respect to statute labor.

Proviso.

always, that every such sum demanded for personal commutation shall be equitably established in proportion to the work to be done, and by arbitration, if the parties concerned require it;

Investment of money in the hands of the Council.

9. And the said Town Council may also provide by resolution for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom a revenue for the said Town.

Council may make By-laws with respect to—

31. The said Council shall also have power to make By-laws :

Opening streets, &c.

1. For the concession of emplacements, and for opening new streets, in the common of the said Town, to such extent as may, from time to time, be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

Clerks of markets and their duties.

2. For determining and regulating the duties of the clerks of the markets in the said town, and all other persons they may deem proper to employ to superintend the said markets ; and for letting the stalls and other places for selling, upon and about the said market places ; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever ; and for regulating the conduct of all such persons in selling their goods ; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose in that behalf, of any thing or things sold or offered for sale on the said markets ;

Weighing and measuring of goods sold.

Amending By-laws.

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said town ;

Vehicles on markets.

4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets ;

Sales elsewhere than in markets.

5. For preventing persons bringing provisions of any kind into the said town, from selling or exposing them for sale in any other place than the markets of the said town ;

Cordwood, &c.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said town, by strangers or persons residing therein.

Sales by weight, measure or quantity.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in the above

above matters, the By-laws which the said Council shall hereafter deem useful to establish ;

8. For preventing obstructions of any nature whatsoever in the streets ;

Obstructions.

9. For preventing the sale on the public highway of any wares or merchandize whatsoever ;

Sales on public highways.

10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ;

Sale of intoxicating liquors.

11. For determining under what restrictions and conditions the Revenue Inspector of the District of Beauharnois shall grant licenses to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons, to sell such liquors ;

Licenses.

12. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;

Sum payable.

13. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Regulation of shop-keepers.

14. For preventing the sale of intoxicating beverages to any child, apprentice or servant ;

Sale of liquor to children, &c.

15. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town ; or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight ;

Cruelty to animals.

16. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said town ;

Bread.

17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;

Servants and apprentices.

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town ;

Gaming houses.

Pounds.

19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said town ;

Police force.

20. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and determining their duties ;

Burials.

21. For fixing and regulating the places where burials may take place within the said town ; for compelling the removal of bodies which shall have been interred contrary to this section ; Provided always, that this section shall not extend to prevent burials in the churches of the said town ;

Proviso.

Enclosure of lands.

22. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same, and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit to do so ;

Draining and fencing of lands.

If owner is unknown, &c.

Or too poor, &c.

Hypothec.

23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in or enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Encroachments.

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Demolishing old and ruinous buildings.

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, all stables, and other outbuildings erected on the line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

26. For regulating the width of streets to be opened hereafter in the said town ; for regulating and altering the height or the level

level of any street or sidewalk in the said town ; Provided, Proviso.
that if any person shall suffer real damage by the widening,
lengthening or altering the level of any street in the said town,
such damage shall be paid to such person after having been
assessed by arbitrators, if any of the parties shall require it ;

27. For defraying, out of the funds of the said town, the Water and gas.
expenses of furnishing the citizens with water, and of lighting
the town with gas, or in any other manner, and for obliging
the proprietors of real property in or outside the said town, to
allow the necessary works to be performed for such objects
on their respective properties, and for obliging all proprietors
to allow the necessary pipes, lamps and posts to be fixed upon
their houses ; Provided always, that in all such cases the Proviso.
expense of all such pipes, lamps and other necessary works shall
be defrayed by the said Council ; And provided also, that the Proviso.
solidity of the buildings, on and near to which they shall be so
placed, shall be in no wise affected, and that any damage that
may be caused shall be paid by the said Council, and that
every proprietor shall be indemnified by the said Council ;

28. For assessing the proprietors of real property situate on Common
sewers.
any of the streets of the said town, for such sums as shall be
deemed necessary for making or repairing any common sewer
in any of the streets of the said town, such assessment being
in proportion to the assessed value of such property, and for
regulating the mode in which such assessment shall be col-
lected and paid ;

29. For assessing, at the request of the majority of the Sweeping and
watering, &c.
citizens residing in any of the streets or public squares of the
said town, all the citizens residing in such street or public
square, in any sums necessary to meet the expense of sweep-
ing, watering and keeping clean such street or public square,
and for removing the snow from any such street, lane or public
place, such assessment being in proportion to the assessed value
of their property ;

30. To raise all sums necessary for aiding in the construc- Raising money
for roads, brid-
ges, railways
and river im-
provements.
tion, maintenance and repair of roads leading to the said town,
and of bridges and other public works outside the limits of the
said town ; and for taking stock in any railway or navigation
companies from which the inhabitants of the said town are, in
the opinion of the said Council, likely to reap sufficient benefit ;
and for appropriating to such purposes the moneys of the said
town, and any sums in their hands derived from the Municipal
Loan Fund, for whatsoever purpose the same may be destined ;

31. To assess, over and above all other rates, specially Assessment for
damages from
riots and tu-
mults.
established by this Act, all the citizens of the said town to
meet the expenses of any indemnity which the said Council
may be obliged to pay to persons in the said town, whose
houses

Liability of
Councillors
in default.

houses or buildings of any description may be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse, within six months after such destruction or damages caused to any property in the said town, to pay a reasonable indemnity, to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province ;

Steam engines.

32. To fix the place for the erection of any manufactories or machinery worked by steam in the said town ;

Contagious
diseases.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the town from any contagious diseases, or for diminishing the effects or the danger thereof.

Board of
health.

Prevention of
accidents by
fire.

32. For the better protection of the said town and of the lives and property of the inhabitants of the said town, and for more effectually preventing accidents by fire, the said Council may make by-laws for the following purposes, that is to say :

Chimneys.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings ; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ;

Fire engines.

2. For defraying, out of the funds of the said town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;

Preventing
thefts at fires.

3. For preventing thefts and depredations which might be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said Council in the discharge of any duty assigned him by the said Council under the authority of this section ;

Enquiring into
causes of fires.

4. For establishing or authorizing and requiring to be established after each fire in the said town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council, or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any member of the said Council, or of such committee ;

committee; and the said Council or committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well-grounded cause of suspicion may be found of his having maliciously originated such fire;

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept, or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shown on proof before him;

Sweeping of Chimneys.

Rates for sweeping.

Apportioning penalty for infraction of By-laws.

6. For regulating the manner in which ashes or quick lime shall be kept in the said town, and for preventing the inhabitants of the said town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their houses to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Ashes and quick lime.

Carrying fire and lights.

7. For regulating the conduct of all persons present at any fire in the said town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order more easily to arrest the progress of fires;

Conduct of persons present at fires.

8. For defraying out of the funds of the said town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ who shall have received any wound or contracted any severe disease at any fire in the said town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town;

Allowance to persons wounded at fires, &c.

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said town;

Appointment of officers.

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said town;

Authorizing officers to visit and inspect buildings, &c.

11. For authorizing such officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said town, to admit such officers for the purposes aforesaid.

Duty of Secretary-Treasurer upon completion of collection-roll.

33. 1. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice;

Duty with respect to arrears.

2. If at the expiration of the said twenty days there shall be any arrears of assessment, the Secretary-Treasurer shall leave, at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and, at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon;

Proceedings in case of neglect to pay.

3. If any person neglect to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said town, addressed

to one of the sworn bailiffs for the district of Beauharnois, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

34. 1. Every tax or assessment imposed by virtue of this Act upon any property or house in the said town, may be recovered, either from the proprietor, tenant or occupier of such property or house, and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property;

From what parties taxes may be recovered.

2. Whenever the town Council shall have passed any By-law or By-laws directing work to be done within the said municipality, or in any part thereof, and any proprietor shall be unable from absence, poverty, or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform to be done, and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent per annum.

Proceedings in case of non-performance of work ordered by Council.

Hypothec of Town.

35. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the town, shall not reside within the said town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said town Council, after having obtained a judgment before the Circuit Court in and for the district of Beauharnois, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the district of Beauharnois is hereby authorized and required to advertise such sale to be made under the authority of this section, in a french newspaper, and in an english newspaper, published or circulated in the district of Beauharnois, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said town of Beauharnois, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon,

Case of absentee proprietor of vacant ground provided for.

Proviso: for redemption within one year.

and any necessary outlay that may have been made on the said property by order of the Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate, together with all the costs attendant upon such sale and ten per centum, besides interest, both on the amount of the purchase money and of the said outlay; and provided also, that if, after such sale of property belonging to persons residing out of the town, any surplus shall remain over and above the sum due to the said Council for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said town, as a loan, at the rate of six per cent. per annum until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

Proviso: as to surplus of proceeds.

Assessments may be remitted in certain cases.

36. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other case which the said Council shall deem reasonable and sufficient.

Penalties for infringing By-laws, how recoverable, &c.

37. If any person shall transgress any order or regulation made by the said Town Council, under the authority of this Act, such person shall, for every such offense, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed to the common gaol of the district, for a term not exceeding one month, but which may be less in the discretion of the Court; no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Beauharnois; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offense committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said town, and infringing at the same time the by-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Proviso.

Proviso: limitation of fine or imprisonment.

Exposing to sale, and infringing By-laws.

38. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said Town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided always, that this privilege shall only apply to assessments due for six years, and no longer; and provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments to be privileged debts.

39. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

Application of penalties, &c.

40. Before any by-law of the said Town Council shall have force or be binding, such by-law shall be published in the french language, by reading the same at the door of the Roman Catholic church of the said town on the two Sundays next after the passing of such by-law, or by posting up a copy thereof in two of the most public places in the said town.

By-laws, &c., to be published before coming into force.

41. It shall be lawful for the said Town Council from time to time to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market-houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

42. Whenever the said Council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province, and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which sinking fund shall consist of a deposit made in a savings bank annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in such savings bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and sinking fund united shall absorb one half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and sinking fund

Duties of Council with respect to loans.

Sinking fund.

Proviso: in certain cases no new loan to be contracted.

Proviso: for payment to lenders instead of Sinking Fund.

fund of their loans any sum exceeding half their revenues; and provided also, that it shall be lawful for the said Town Council, if the lenders consent to or require it, to deposit in the hands of such lenders, instead of in a savings bank, the annual sums which shall have been agreed upon to form the sinking fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest and what amount shall have been paid into the sinking fund.

Members of Council may order arrest of disorderly persons.

43. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said town, and to confine him in the common gaol of the district or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Powers of constables to arrest idle and disorderly persons.

44. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other such place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison or any other place of detention in the said town, in order to the safe keeping of the said person until he shall be brought before the Mayor or other magistrate, to be dealt with according to law.

Persons assaulting constables in the execution of their duty, how dealt with.

45. If any person shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or shall aid or excite any other person to assault, beat or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties exempt from taxation.

46. The following property shall be exempt from taxation in the town of Beauharnois:—

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors;

2. All Provincial property and buildings;
3. Every place of public worship, presbytery and its dependencies, and every burying-ground;
4. Every public school-house and the ground on which the same is constructed;
5. Every educational establishment and the ground on which the same is constructed;
6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments;
7. Every court-house and district gaol and the grounds attached thereto;

Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied under the Government in the said town; but such lands belonging to the Government or to the Ordnance Department, occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Proviso: exemption not to extend to Crown property leased to private parties.

47. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

Certificates for Tavern licenses to be granted by Council only.

48. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Limitation of actions for things done under this Act.

49. It shall be lawful for the said Town Council to order the Inspector of the said town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said town, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any court having competent jurisdiction from any person making such encroachment or obstruction.

Removal of encroachments on public streets or squares.

Penalty for granting or using false receipts for rent in order to lessen taxes.

50. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings encroaching on streets.

51. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house; and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may acquire lands for certain town purposes.

52. The said Council shall have full power to purchase and acquire, out of the revenues of the said town, all such lots, lands and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in cases of disagreement as to the value of property taken for town purposes.

53. When the proprietor of a lot which the said Council shall be desirous of purchasing for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or wives *sous puissance de mari*, the said Council may apply to the Superior Court, sitting in and for the district of Beauharnois, or to any other court, for the appointment of an arbitrator by the said court to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall

Payment of

shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court in and for the district of Beauharnois, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required, to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per centum per annum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

indemnity into Court.

If not claimed within six months.

54. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:—

Penalties for refusal to accept office.

The office of Mayor, thirty dollars;

Mayor.

The office of Councillor, twenty dollars;

Councillor.

2. Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day which shall elapse between the expiration of the said period of three months and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

On valuator neglecting their duties.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars and not less than four dollars;

Penalties for refusing to perform duties of office.

4. Any person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to

For voting without qualification.

to

to vote at such election, shall thereby incur a penalty not exceeding twenty dollars;

On inspectors of roads for neglect of duty.

5. Every inspector or road-officer who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence;

Penalties for hindering officers in the performance of their duties.

6. Every person who shall hinder or prevent, or attempt to hinder or prevent any officer of the Council, in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any by-law or order of the said council, shall incur a penalty of twenty dollars for every such offence, over and above any damages which he may be liable to pay;

Persons defacing notices, &c.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalties how to be recovered.

55. All the penalties imposed by this Act, or by any By-law made by the said Council, may be recovered before the Circuit Court for the district of Beauharnois, or before any Justice of the Peace residing in the said town; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

56. This Act shall be deemed a Public Act.

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection Roll.

Public notice is hereby given, that the Collection Roll of the Town of Beauharnois is completed, and is now deposited in the office of the undersigned; and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned, at his office, within twenty days from this day, without further notice.

SCHEDULE No. 2.

Secretary-Treasurer's Notice for the payment of Assessment.

CORPORATION OF THE TOWN OF BEAUHARNOIS.

(Date of Delivery.)

Mr.

, Dr.

To the Corporation of the Town of Beauharnois.

(Copy of Account.)

\$

Notice served.

(Here insert date of Notice.)

Costs.

C A P.

Notice.....\$

Costs.

Notice.....\$

Assessment on you (here mention the property, as house, land, &c.) valued at \$	\$
at () in the.....	
(Here add the various other items of taxation).....	
Total.....	

Sir, Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof execution will issue against your goods and chattels.

A. B.,
Secretary-Treasurer.

CAP. XXV.

An Act to constitute but one Agricultural Society in and for the United Counties of Chicoutimi and Saguenay.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS, owing to the difficulty of communication, the scattered settlements, and the known impossibility of forming a County Agricultural Society in the County of Saguenay which should properly advance the Agricultural interests of that County, and with the view of promoting and assisting the interests of the agricultural population of that County, it is requisite that the County of Saguenay should be united to the County of Chicoutimi for that purpose, so as to have but one joint Agricultural Society for the benefit of both: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Counties of Chicoutimi and Saguenay united for Agricultural Society purposes.

1. The Counties of Chicoutimi and Saguenay, as now united for electoral purposes, shall, from and after the passing of this Act, be united also for the purpose of forming but one Agricultural Society for both Counties, which Agricultural Society shall be known as "The Agricultural Society of the United Counties of Chicoutimi and Saguenay."

Joint Society to receive grants as for two Counties.

2. The said joint Society shall be entitled to receive the grants of public money from the Board of Agriculture, according to section sixty-one of the thirty-second chapter of the Consolidated Statutes of Canada, as for two Counties.

Provision for 1863 as to grants and officers.

3. For the present year of one thousand eight hundred and sixty-three, the grants appertaining to the said two Counties (not exceeding in any case four hundred pounds,) shall be paid to the present existing Agricultural Society of the County of Chicoutimi in proportion to the subscriptions raised by the members subscribing thereto, and who may be residents of either County; and until the next election shall take place in January, one thousand eight hundred and sixty-four, the present Presidents, Directors and Secretary-Treasurer of the existing or present Agricultural Society of the County of Chicoutimi shall be considered, after the passing of this Act, as Presidents, Directors and Secretary-Treasurer of the Agricultural Society of the United Counties of Chicoutimi and Saguenay, and shall have full power to act as such.

Number, residence, place of election, and quorum of Directors to be elected for 1864.

4. At the election to take place in January, one thousand eight hundred and sixty-four, the Board of Directors to be duly elected for the management of the said Society, shall consist of nine members, subscribers in conformity with the Act before cited; and at least two, and not more than four of the said Directors

Directors must be residents of the County of Saguenay; the election and direction of the said Society's affairs shall be held and carried on at the *chef-lieu*, Chicoutimi, in the County of Chicoutimi, and a quorum shall consist of four members.

5. The funds appertaining to the present "Agricultural Society of the County of Chicoutimi" shall become the property of the "Agricultural Society of the United Counties of Chicoutimi and Saguenay," from and after the passing of this Act.

Transfer of funds of Society.

6. This Act shall be deemed a Public Act, and shall be considered as forming part of the said thirty-second chapter of the Consolidated Statutes of Canada.

Public Act, &c.

C A P . X X V I .

An Act to provide means of supplying the loss of Public Records and Documents occasioned by the destruction by fire of the Gaol and Court-house of the District of Kamouraska, and for securing the rights of interested parties.

[Assented to 15th October, 1863.]

WHEREAS the Court-house at Kamouraska was destroyed by fire on the ninth of December, one thousand eight hundred and sixty-two, and a great number of registers, records, and documents were destroyed, and it is necessary to provide for supplying the loss thereof, so as to secure the rights of the parties interested: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. All copies of *arrêts* or judgments, either interlocutory or final, of judgments of ratification, distribution, or *en licitation*, rendered and pronounced either in the Court of Queen's Bench, in the Superior Court in the District of Kamouraska, or in the Circuit Court at the *chef-lieu* of the said District, on or before the ninth of December, one thousand eight hundred and sixty-two, extracted from the registers of any registry office in this Province, and certified by the Registrar of the County or other territorial division in which such *arrêts* and judgments shall have been registered, shall be held to be authentic.

Certified copies of judgments, &c., to be authentic.

2. All copies of certificates of *insinuation* of donations, of closing of inventories (*clôtures d'inventaires*), or of other certificates or documents, anterior to the tenth December, one thousand eight hundred and sixty-two, the original whereof shall have been destroyed by the said fire, extracted from the registers of any registry office in this Province, and certified by the Registrar of the registry office wherein they shall have been registered, shall be held to be authentic.

Certificates of insinuation of donations, &c., to be authentic.

Prothonotary to keep a Register of judgments, &c.

3. The Prothonotary of the Superior Court for the said district shall open a special register, in which he shall be bound to enter all *arrêts* or judgments rendered by the Superior Court on or before the ninth of December, one thousand eight hundred and sixty-two, and whereof an authentic copy shall be produced to him by one of the parties interested, or his attorney or agent.

Clerk of Circuit Court to keep a register of judgments, &c.

4. The Clerk of the Circuit Court at Kamouraska shall open a special register, in which he shall enter all *arrêts* or judgments of the Circuit Court rendered therein, on or before the ninth December, one thousand eight hundred and sixty-two, whereof an authentic copy shall be produced to him by one of the parties interested or by his attorney or agent.

Register for certificates of insinuation, &c.

5. The Prothonotary of the Superior Court for the said District shall moreover open a register, to be used for the registration of all authentic certificates of the insinuation of *actes*, and of the closing of inventories (*clôtures d'inventaires*) which shall be produced to him by the parties interested, or one of them, or by their attorney or agent.

How persons unable to produce copies of judgment may prove the same.

6. Every party interested in a case in which judgment shall have been rendered in the Superior Court in the said District or in the Circuit Court at Kamouraska, on or before the ninth day of December, one thousand eight hundred and sixty-two, but who shall be unable to produce a copy of the judgment, may, on petition to the Judge, either in term or out of term, after having given notice to the adverse party, obtain, on proof made to the satisfaction of such Judge, either by the production of a writ of execution or extracts from public or private registers, by the oath of the adverse party, the evidence of the attorneys who represented the parties, or by evidence of any other nature admissible in similar cases, shewing the amount of the judgment, the entering of a new judgment in the registers which the Prothonotary of the Superior Court or the Clerk of the Circuit Court shall keep under the first two sections of this Act; such judgment shall bear the date of the original judgment, if such date shall have been ascertained, otherwise it shall be entered as if it had been rendered on the day on which such entry shall be ordered by the Judge.

Date of judgment so proved.

Proceedings in cases of destruction of records.

7. In all cases in which a record shall have been destroyed, in whole or in part, either before or after judgment, and there shall exist no copy of the judgment, the proceedings shall, after notice to the adverse party, be commenced from the point at which neither the original papers or authentic copies thereof can be found.

Effect of entries in registers.

8. The entries of *arrêts* or judgments, and of certificates and other documents, made in the registers kept by virtue of the preceding sections, shall be considered as minutes, and shall have

have the same effect as the originals would have had, had they not been destroyed.

9. It shall be the duty of the Sheriff of the district of Kamouraska, upon any order to that effect given to him by the Superior Court in the said district, or by the Circuit Court at Kamouraska, or by any one of the Judges of the said Courts, when he shall have proceeded to the sale of any immovable, the price of which has not been paid, if he has made no return, or if his return has been destroyed by the said fire, to make a new return, upon which the same proceedings shall be taken as upon the original return.

Certain moneys to be accounted for by the Sheriff.

10. The Sheriff's return mentioned in the next preceding section may be contested by any party interested.

Contestation of his account.

11. The Prothonotary of the Superior Court in the said district, the Clerk of the Circuit Court at Kamouraska, and the Sheriff of the district of Kamouraska, shall be bound, under an order to that effect, to be given by the Judge of one of the said Courts, on the demand of any one of the parties interested, to account for all sums of money levied by them or deposited in their hands for distribution, as belonging to the Building and Jury Fund, and not yet paid by them, and the distribution and payment of such moneys shall be ordered in accordance with the rights of the parties interested, after such notices and formalities as shall be directed by the Court in which such distribution shall be made.

Prothonotary and Clerk of Circuit Court to account for certain moneys.

12. It shall be lawful for any interested party to contest, in a summary manner, the accounts which shall be rendered under the preceding section, and to cause such accounts to be amended if necessary.

Their accounts may be contested.

13. The Superior and Circuit Courts, or a Judge in vacation, shall regulate the proceedings to be taken under this Act, whenever the rules of practice of the said Courts shall not be applicable.

Regulation of proceedings under this Act.

14. The Superior Court and the Circuit Court, or a Judge in vacation, may grant costs in all proceedings had under this Act; Provided always, that no party shall be condemned to pay the costs of more than one suit or proceeding, even though the same shall have been recommenced in whole or in part.

Costs under this Act.

Proviso.

15. The Prothonotary of the Superior Court and the Clerk of the Circuit Court shall receive ten cents per one hundred words for all documents which they shall enter in their registers, under the requirements of this Act.

Fees for entries in registers.

16. The Sheriff of the said district shall, immediately after the passing of this Act, prepare new general lists of grand and petty

New Jury lists to be made.

petty

petty Jurors for the Court of Queen's Bench in criminal matters, and special Jurors in civil matters, in conformity with the provisions of chapter eighty-four of the Consolidated Statutes for Lower Canada, to serve in the said district of Kamouraska, in the place and stead of the Jurors' lists destroyed by fire as aforesaid.

Copies of Registers of baptisms, &c., may be ordered.

17. The Governor may, by an Order in Council, direct that copies of the Registers of baptisms, marriages and burials, kept for the year one thousand eight hundred and sixty-one, in the several parishes of the district of Kamouraska, shall be made and deposited in the office of the Superior Court of the said district, in the place of the Registers destroyed by fire as aforesaid.

Public Act.

18. This Act shall be a Public Act.

C A P . X X V I I .

An Act to erect certain new Municipalities in the Counties of Drummond and Arthabaska.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the inhabitants of the Parishes of St. Albert de Warwick and Ste. Clothilde de Horton, and of the Townships of Wendover and Simpson, have, by their petitions, severally prayed for the municipal erection of certain new Municipalities, and it is desirable that the said localities should be erected into separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Municipality of St. Albert de Warwick constituted.

1. Upon and after the first day of the month of January, one thousand eight hundred and sixty-four, the Parish of St. Albert de Warwick, as canonically erected, shall be detached from the Municipality of Warwick, and shall form a distinct Municipality, and the inhabitants thereof shall be a corporation under the name of the Corporation of the Parish de St. Albert de Warwick; and that part of the Township of Warwick included in the Parish of St. Medard de Warwick, shall, with the first range of the Township of Tingwick, form a Municipality, and the inhabitants thereof shall be a Corporation under the name of the Corporation of the Township of Warwick.

Municipality of township of Warwick.

Municipality of Ste. Clothilde de Horton constituted.

2. Upon and after the first day of the month of January, one thousand eight hundred and sixty-four, the Parish of Ste. Clothilde de Horton as canonically erected, shall be detached from the Municipalities of St. Valère de Bulstrode, Warwick and Grantham, Wendover and Simpson, and shall form a distinct Municipality, and the inhabitants thereof shall be a Corporation under the name of the Corporation of the Parish of Ste. Clothilde

Clothilde de Horton ; and the remainder of the Municipality of St. Valère de Bulstrode shall continue to be a Municipality under its present name.

And of St. Valère de Bulstrode.

3. Upon and after the first day of January, one thousand eight hundred and sixty-four, the first ten ranges of the Township of Simpson, and the first twelve ranges of the Township of Wendover, shall be detached from the Municipality of Grantham, Wendover, and Simpson ; and the inhabitants thereof shall be a Corporation under the name of the Corporation of the Townships of Wendover and Simpson ; That part of the said Township of Grantham, which now forms part of the Municipality of the Townships of Grantham, Wendover, and Simpson, shall continue to form a Municipality, and the inhabitants thereof shall be a Corporation, under the name of the Corporation of the Township of Grantham ; Provided always, that whenever the Township of Simpson shall contain a population of three hundred souls, it may be separated from the Township of Wendover and erected into a separate Municipality, on application to the County Council, in the manner provided by the Lower Canada Consolidated Municipal Act.

Municipality of Wendover and Simpson constituted.

And of township of Grantham.

Proviso.

4. Upon and after the first day of January, one thousand eight hundred and sixty-four, the first twenty lots of the second, third, fourth, fifth, and sixth ranges, and the first eleven lots of the seventh, eighth, ninth, tenth and eleventh ranges of the Township of Tingwick, shall form a separate Municipality, and the inhabitants thereof shall be a Corporation, under the name of the Corporation of Chénier.

Municipality of Chénier constituted.

5. Upon and after the said first day of January, one thousand eight hundred and sixty-four, the lots twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine, in the second, third, fourth, fifth and sixth ranges, and the last eighteen lots of the seventh, eighth, ninth, tenth, and eleventh ranges of the Township of Tingwick, shall form a separate Municipality, and the inhabitants thereof shall continue to be a Corporation, under the name of the Corporation of Tingwick.

Municipality of Tingwick constituted.

6. The aforesaid Municipalities are erected for Municipal purposes, to all intents, as though they had been organized in virtue of the Lower Canada Consolidated Municipal Act, and also into School Municipalities under the Lower Canada School Laws, and shall be subject to the provisions of the said Acts.

To be Municipalities for all purposes.

7. Nothing contained in this Act, or which may be done in virtue of this Act, shall have the effect of discharging any portion of the territory hereby detached, from debts or obligations contracted before the passing of this Act by the Municipality of which it formed a part.

Liability for debts not affected.

8. This Act shall be deemed a Public Act.

Public Act.

CAP. XXVIII.

An Act to separate the Townships of Windsor and Stoke, in the County of Richmond, for all Municipal purposes.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Townships of Windsor and Stoke, in the County of Richmond, are now united for Municipal and other purposes, and whereas the Inhabitants of the said Townships have by their petition prayed, that an Act may be passed to separate the said Townships of Windsor and Stoke, and it is expedient to grant the prayer of their Petition, and to constitute the same as two separate Townships and Local and School Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said townships to be separate municipalities from 1st January, 1864.

1. From and after the first day of January, one thousand eight hundred and sixty-four, the said Townships of Windsor and Stoke; in said County of Richmond, shall be separated, and form two distinct Townships and Local and School Municipalities, under their present names, and shall have all the rights, powers and privileges of separate Municipalities, under the Lower Canada Consolidated Municipal Act, and the several Acts amending the same; and also of separate School Municipalities under the School Laws of Lower Canada.

Act not to affect liability for debts.

2. Nothing contained in this Act, or which may be done in virtue of this Act, shall have the effect of discharging any portion of the territory hereby constituted as separate Municipalities, from any debts or obligations contracted before the passing of this Act by the Municipality of which it theretofore formed a part.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XXIX.

An Act to divide the Township of Tring, in the County of Beauce, into two separate Municipalities.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the inhabitants of the Township of Tring, in the County of Beauce, have, by their Petition, prayed that the said township be divided into two separate Municipalities, and it is desirable that the said Township should be so divided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

1. Upon and after the first day of January, one thousand eight hundred and sixty-four, the first, second, third, fourth and fifth ranges and part of the sixth range from lot number twenty-four inclusive to lot number twenty-eight and a half inclusive, of the said Township of Tring, shall form a distinct Municipality, and the inhabitants thereof shall be a Corporation under the name of "The Corporation of St. Victor of Tring;" and the other part of the said Township of Tring, including the other part of the sixth range, and the seventh, eighth, ninth, tenth and eleventh ranges of the said Township of Tring, shall form a distinct and separate Municipality, and the inhabitants thereof shall be a Corporation under the name of "The Corporation of St. Ephrem of Tring."

Municipality of
St. Victor of
Tring erected.

Municipality of
St. Ephrem of
Tring erected.

2. The aforesaid Municipalities are erected for Municipal purposes, to all intents, as though they had been organized in virtue of the Lower Canada Consolidated Municipal Act, and also into School Municipalities under the Lower Canada School Acts, and shall be subject to the provisions of the said Acts, and the Acts amending them.

To be municipi-
palities for all
purposes.

3. Nothing contained in this Act, or which may be done in virtue of this Act, shall have the effect of discharging any portion of the territory hereby divided into two Municipalities, from debts or obligations contracted before the passing of this Act by the Municipality of which it formed a part.

Saving as to
debts.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X .

An Act to divide the Townships of North and South Ham into two Municipalities.

[Assented to 15th October, 1863.]

WHEREAS it is necessary and expedient that the Townships of North and South Ham should form two distinct and separate Townships, and Local and School Municipalities, in consequence of their being divided from each other by a mountainous tract of country; and whereas the inhabitants of the said Townships of North and South Ham have, by their petition, prayed that the said Townships should be separated as aforesaid: 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 January next, the said Townships of North Ham and South Ham, in the County of Wolfe, shall each form a separate and distinct Township, and Local and School Municipality, under the names of North Ham and South Ham, respectively, and shall have all the rights,

Two municipi-
palities of North
Ham and South
Ham consti-
tuted.

rights, powers, and privileges of separate Townships and Municipalities, under the Lower Canada Consolidated Municipal Act, and the several Acts amending the same; and shall also form separate School Municipalities under the School Laws of Lower Canada.

Act not to affect present liabilities.

2. Nothing contained in this Act, or which may be done in virtue of this Act, shall have the effect of discharging any portion of the territory hereby constituted as separate Municipalities, from any debts or obligations contracted before the passing of this Act by the Municipality of which it theretofore formed a part.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X X X I .

An Act to confirm certain proceedings of the Municipality of the Township of Orford, in Lower Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Corporation of the Township of Orford in Lower Canada has, by petition, shown, that under the Act to enable Local Councils to raise money for assisting persons, in certain cases, to sow their land, and for other purposes, passed in the twenty-sixth year of Her Majesty's Reign, the Council of the said Township of Orford, ignorant of the prescribed forms and conditions in the said Act contained, borrowed a sum of money, and purchased therewith a quantity of seed grain and potatoes, and delivered the same to persons in need thereof; And whereas the said sum of money was so borrowed under a resolution of the said Council, and not under a By-law, and for such sum of money a draft or obligation was given by the Mayor of the said Municipality, and not a debenture, as it is in both cases by the Statute prescribed; And whereas the said Local Council have by petition prayed that their proceedings in the premises may be legalized, and it is expedient to grant the said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

26 V. c. 2, cited.

Loans made to parties by the Council confirmed, and parties to pay the same according to agreement.

1. The purchase and distribution of seed grain and potatoes by the Council of the Local Municipality of the said Township of Orford, in the year of our Lord one thousand eight hundred and sixty-three, as in the preamble recited, shall be deemed to be within the intent and provisions of the *Act to enable Local Councils to raise money for assisting persons, in certain cases, to sow their land, and for other purposes.*

Loans payable by four yearly

2. The amounts due and payable by the parties who have obtained such seed grain and potatoes shall be held to have been

been and shall be payable by the said parties, at the prices agreed upon at the time, by four annual instalments of one-fourth of the said amounts respectively each, upon the first day of May in each year until paid in full, with interest annually at the rate of six per cent. per annum upon the whole loan.

instalments,
with interest.

3. The Secretary-Treasurer of the Local Municipality of the said Township of Orford shall, immediately upon the passing of this Act, make out a Roll which shall remain of record in his office, stating fully the names of all parties who have obtained assistance in seed grain and potatoes as above stated from the said Council, the quantity and description of the said grain and potatoes, separately, the prices at which the said grain and potatoes are charged to these parties, and the total amount thereof; the amounts of the instalments chargeable against each of such parties, and the interest thereon, the dates at which such instalments become due, and the amounts paid by such parties on account thereof; and the said amounts and interest so due by the said parties who have obtained such grain and potatoes may, if undisputed, be collected by and on behalf of the Corporation of the said Township of Orford, in the same manner as if such amounts and interest had been assessed upon immovable property in the Township, together with the other rates assessed under the authority of law.

Secretary-
Treasurer to
make out a Roll
of amounts
owing.

The said
amounts to be
collected as
taxes.

4. In case any doubt or dispute should arise as to the amount with which any such party shall be charged, or in case any party residing beyond the limits of the said Township of Orford should have obtained any portion of such grain or potatoes, such amount, or the price of such grain and potatoes, may be sued for and recovered in any Court of Justice having jurisdiction, as for a debt due to the Corporation.

May be reco-
vered by suit,
if disputed.

5. The Secretary-Treasurer of the said Township of Orford shall, when required so to do by any member of the Council of the said Township, furnish to the said Council a correct copy of the Roll hereby required to be made, sworn to before any Justice of the Peace for the District of Saint Francis, together with an account of all moneys received by him in payment of the said grain and potatoes.

Secretary to
furnish copy of
the said Roll,
&c., when
required.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X I I .

An Act to amend the Acts and Ordinances concerning the Montreal Turnpike Roads as regards that portion of the said roads known as the "Victoria Road."

[Assented to 15th October, 1863.]

Preamble.

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

Victoria Road to be a separate road.

1. That part of the Montreal Turnpike Roads known under the name of the "Victoria Road," shall hereafter be deemed to be a separate road and as not forming part of the other turnpike roads in the neighbourhood of Montreal.

Tolls taken on it to be proportioned according to 4, 5 V. c. 35.

2. The Trustees of the Montreal Turnpike Roads shall continue to have the control of the said "Victoria Road," and they shall have with respect to the said road all the rights and powers which they now enjoy and may exercise, but they shall only demand, levy, exact and receive on the said road, the tolls and dues heretofore established, and which they are empowered to collect under and by virtue of the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, chapter thirty-five, on the roads under the control of the said Trustees, not exceeding in length the Upper Lachine Road, but proportioned as regards their amount, to the length of the said Victoria Road, as compared with the length of the said Upper Lachine Road, that is to say: the dues and tolls to be demanded, levied, exacted and received by the said Trustees, shall be those established by the said Act above cited, but proportioned as regards their amount to the length of the said Victoria Road as compared with that of the Upper Lachine Road; Provided that whenever the amount of tolls to be charged and collected would according to the above rule comprise a fraction of one half penny, one half penny shall be charged and collected in lieu of such fraction.

Proviso: as to fractions.

Trustees may purchase the St. Michel Road, with approval of Governor in Council.

3. The Trustees of the Montreal Turnpike Roads are hereby authorized to acquire from "The St. Michel Road Company," the Turnpike Road commonly known as the St. Michel Turnpike Road, made by the said Company under the Ordinance of the Special Council passed in the fourth year of Her Majesty's Reign, chapter twenty-two, on such terms and conditions as may be agreed upon between the said Trustees and the said Company and approved by the Governor in Council, and to pay for the said road out of the surplus revenue of the said Montreal Turnpike Roads.

What tolls shall be taken after such purchase, &c.

4. On the purchase of the said St. Michel Turnpike Road, the same shall form part of the Victoria Road, and shall thereafter be considered as forming one continuous road with the other

other roads in the neighborhood of the City of Montreal, under the control of the said Trustees, and be subject to all the provisions of the Acts and Ordinances regarding the powers of said Trustees as to such other roads, and the tolls to be charged and collected on the said roads; notwithstanding anything to the contrary contained in the present Act.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X I I I .

An Act to authorize the Municipal Council of the Parish of Ste. Cécile, to fix certain rates of toll, and to erect toll-gates on a Macadamized road in the said parish.

[Assented to 15th October, 1863.]

WHEREAS the macadamizing of the road commencing at the rear of the lots of the first concession of Catherineton and extending to the rear of those of the fourth concession in the Parish of Ste. Cécile, County of Beauharnois, greatly improves the means of communication between the Counties of Huntingdon, Beauharnois, Chateauguay and the City of Montreal, and contributes to the material welfare of the inhabitants of the aforesaid Counties; and whereas in order to macadamize the said road, the Municipal Council of the Parish of Ste. Cécile, effected a loan of ten thousand dollars on the credit of the Lower Canada Consolidated Municipal Loan Fund; and whereas the Mayor of the said Parish and others, rate-payers of the said Parish, have prayed that an Act may be passed authorizing the corporation of the said parish to construct and establish toll-gates on the said road, and it is desirable to grant the said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the said Parish of Ste. Cécile shall have the entire control of the affairs of the said road as a Municipal property, shall enjoy the rights and privileges generally granted to turnpike road companies, and shall be subject to all the duties and obligations of such companies, under chapter seventy of the Consolidated Statutes for Lower Canada:

Municipal corporation to have control of road.

2. The said Corporation shall have full power and authority to explore the ground or the country lying between the termini of the said road, and to cut, make and keep in repair, upon the adjoining or neighbouring land, such ditches, drains and water-courses as may be necessary for effectually draining and carrying off the water from the said road or other works, and to take, wherever they may deem proper, all stone, earth, sand and other materials required for the maintenance of the said road, the cost thereof and of the damages incurred in

Powers of corporation as to the said road.

Power to enter on lands.

so doing, being established in accordance with the Lower Canada Consolidated Municipal Act; and for the purposes aforesaid, the said Corporation and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands of any person or persons, body or bodies corporate or politic.

Bridges over side ditches.

3. Any person or persons, body or bodies, corporate or politic, holding lands adjacent to the said road and desirous of entering thereupon, shall be held and bound to make and maintain at their own costs and expense one or more bridges in front of their respective properties, across the ditches, drains and water-courses on either side of the said road.

Rates of toll limited.

4. The Corporation may establish one or more toll-gates on the said road (not exceeding two), and levy tolls for each time of passing the same, not exceeding in the whole, the following rates, viz:

On vehicles drawn by one horse.....	7½ cents.
“ “ two horses.....	10 “
Each additional horse.....	5 “
“ horse with its rider.....	6 “
“ sheep, pig, &c.....	2½ “
“ head of horned cattle, or horse.....	5 “

Commutation.

And the said Corporation may compound with any persons for such reasonable rates as shall be mutually agreed upon.

Road, &c., vested in the corporation.

5. The said road and all the materials which shall from time to time be got or provided for maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of the said corporation acting under the provisions of this Act and used for their benefit and convenience, shall be vested in the said corporation and their successors; the said corporation shall have full power and authority to erect such number of toll-gates not exceeding two, and such check-gates and side-bars, in, along or across the said road, as they may deem necessary, and to fix such tolls not exceeding in the whole the rates aforesaid, to be collected at each gate or bar, as they may deem fit and expedient, (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections as may seem necessary and convenient for the due management of the said road; provided always, that no toll shall be exacted for merely crossing the said road.

Toll-gates and tolls not exceeding rates aforesaid.

Proviso.

Penalties and punishment for injuring or obstructing the road and works

6. If any person or persons shall in any way injure, cut, break down or destroy any part of the said road, or any toll-gate or toll-house, building or other erection, in, upon or near the said road, and belonging to or used for the convenience of the

the said corporation under the provisions of this Act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road, for the construction, maintenance or repair thereof, shall drive any loaded wheel carriage or other loaded vehicle upon that part of the said road lying between the stones, plank and hard road and the ditch, further than may be necessary in passing any other vehicle or in turning off or upon the said road, or shall haul or draw, or cause to be hauled or drawn, upon any part of the said road, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon the said road to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon the said road without some proper person in the sole custody or care thereof longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer period of time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever upon the said roads to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blockaded or stopped any cart, waggon or other carriage on a hill or rising ground, cause or suffer to lie and remain on the said road, any stone or other thing with which such cart or carriage shall have been blockaded or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp posts, put up, erected or placed in or near the said road or toll-houses erected thereon, or shall wilfully extinguish the light of any such lamp, or if any person shall wilfully pull down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of the said road, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post or any mile post or stone, or if any person shall throw any earth, rubbish or other matter or thing into any drain, culvert or other water-course made for draining the said road, or if any person shall without permission, carry away or lay any stones, gravel, sand or other materials, dirt or soil from or on any part of the said road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt to pass by force any of the toll-gates set up by the said Corporation without having first paid the toll fixed by the said Corporation to be received at any such gate, such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said Corporation, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than ten dollars nor less than two dollars; and in default of payment thereof the offender shall be committed to the

of the corporation on it.

Recovery of penalty and damages.

Imprisonment in default of payment.

Common

Common Gaol of the District where such offence shall have been committed, for any time not exceeding one month.

Fines may be levied by distress; imprisonment in default.

7. The fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrant, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Penalty for evading tolls.

8. If any person or persons shall, after proceeding on the said road with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, or, in any other way, evade payment of such toll, or if any person having the right to pass and re-pass within the limits of a parish as provided in clause sixteen, shall go out of the limits therein provided without paying toll, every such person or persons shall, for each offence, forfeit and pay a fine not less than two nor more than five dollars, which said sum shall be expended on the said road, or towards the discharge of any debt due by the Corporation; and any Justice of the Peace for the District in which the said road is situate, shall, on conviction of such offender, fine such offender in the said penalty, and such penalty shall be levied in the manner aforesaid.

How recovered and applied.

Penalty for allowing persons to pass through lands to evade tolls.

9. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gate which shall be erected in pursuance of this Act, or any other person, opens or permits to be opened and maintained at any time any road affording egress to the public by a by-road so constructed as to permit the evasion of the payment of toll on the said turnpike road, at any distance less than two miles from either side of the said turnpike road, or knowingly permit, or suffer, any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons leading or driving any animal or carriage whereon such payment is evaded, being thereof convicted before any one Justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty dollars which shall be laid out in improving the said road; and it shall not be lawful for any person whomsoever to open or suffer to be opened any road whatsoever opposed to the interests of the said corporation, under a penalty not exceeding one hundred dollars and not less than twenty dollars for each contravention and for each and every day such road shall remain open against the person or persons contravening this section and against those who shall make use of such roads, recoverable as aforesaid.

Opening a road to the injury of the corporation.

10. It shall be lawful for the said corporation to relinquish the said road, for the winter season or for the summer season, or for one or several years, to be maintained and repaired by the persons who, under any *procès-verbal* made or to be made, are or shall be bound to maintain and repair it; and no toll shall be paid to the corporation on the said road so long as it shall be relinquished as aforesaid, but the said road so relinquished may be reassumed by the said corporation, and tolls collected thereon, and it may be otherwise disposed of by the said corporation as though it had never been relinquished.

Corporation may relinquish the road.

11. The said corporation may on or before the first day of December in each year, take down to a height of twenty-four inches from the ground, leaving the pickets only above that height, all the fences along the line of the said road, excepting only in places where the fences are distant at least twenty-five feet from the boundaries of the said road, or where hedges have been grown, or fences so constructed that they cannot be taken down without great expense, and fences so taken down shall not be again set up before the first day of April in the year following, and shall then be replaced and reconstructed by the Corporation.

Corporation may take down fences in winter, and replace them in spring.

12. The said Corporation may lay out winter roads on or through any fields or enclosures adjoining the said road, excepting however all orchards, gardens or yards or lots of land enclosed by hedges or fences, which cannot be taken down or replaced without great difficulty and expense, across which the said road shall not be laid out without the consent of the occupant.

Winter roads.

13. If any action or suit shall be brought by or against the said Corporation upon any contract or for any matter or thing whatever, any officer or servant of the Corporation shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest or of his being such servant or officer.

Servants, &c., competent witnesses.

14. 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 the fact committed, and not afterwards (if the party offending shall be known), 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 actions.

15. In case of the service upon the said Corporation of any writ of *saisie-arret*, or the said Corporation being required to answer to *interrogatoires sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, it shall be competent to any officer of the said Corporation being thereto duly authorized by

How answers to interrogatories, &c., served on the corporation may be given.

vote

vote or resolution of the Council thereof, to appear and make declaration to such writ or answers to such interrogatories, or take such oath, as the case may be, for the said Corporation; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said Corporation, to all intents whatever; and the production and filing in Court by such officer, of a copy of such vote or resolution, certified by the Secretary of the said Corporation under its common seal, shall be conclusive evidence of his authorization, as in and by such copy set forth.

Proof of authority of officer.

Exemptions from tolls.

16. All persons with horses or carriages, going to or attending or returning from any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, or on any *fête d'obligation*, shall pass the gates on the said road free of toll, provided it be within the limits of the parish in which they reside; and all persons in the naval or military service of Her Majesty, or in the militia of this Province, wearing their uniform and being on actual duty, travelling on the said road in discharge of such duty, with their horses and carriages, and all horses, carts, carriages or waggons in charge of any such persons, conveying any naval, military or militia stores belonging to Her Majesty, in the course of transport from one place to another in Her Majesty's service, and also all vehicles carrying manure and returning from so doing, shall pass the gates set up across the said road free of toll.

Exemption in favor of certain persons.

17. Nothing in this Act contained shall be construed to entitle the said Corporation to demand toll for the horses, cattle or vehicles of any proprietor of land along the line of their road passing any of their gates in going to and fro between parts of the said land.

Gate-keepers to be constables.

18. The turnpike gate-keepers shall be special constables, and shall be invested with all the powers attached to that office on taking the oath of office before a Justice of the Peace.

No appeal, &c.,

19. No appeal shall lie from any judgment rendered in virtue of this Act.

Public Act.

20. This Act shall be deemed a Public Act.

C A P . X X X I V .

An Act to provide for the running of Side Lines in the Township of Bristol, in the County of Pontiac.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Municipal Council of the Township of Bristol have by their petition represented, that the running of side lines from post to post, would, if applied to the side

side lines in that Township, be productive of great inconvenience, inasmuch as those already run, are or were intended to have been drawn parallel with the boundary line of the Township of Clarendon; and that it is desirable that the lines so run shall be established as correct, and that all lines hereafter to be run shall be run parallel to the said boundary line of the Township of Clarendon; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The side lines in the said Township of Bristol already run accurately either from post to post, or parallel to the boundary line of the Township of Clarendon by duly licensed Surveyors, shall be held to be and are hereby established as correct; and all side lines in the said Township of Bristol which may hereafter be run, shall be drawn parallel with the boundary line of the said Township of Clarendon;—anything in chapter seventy-seven of the Consolidated Statutes of Canada, or in any other Act or law to the contrary notwithstanding.

Side lines already run confirmed; how other lines shall be run hereafter.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X V .

An Act to reunite the North and South Ridings of the County of Waterloo, for Registration purposes.

[Assented to 15th October, 1863.]

WHEREAS the Warden and Municipal Council of the County of Waterloo have, by petition to the Legislature, represented that the division of the said county of Waterloo into two Registration Districts is inconvenient to the people of the County, and have prayed that the North and South Ridings of the said County shall be reunited for Registration purposes; and it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Upon and after the first day of November next, the North and South Ridings of the said County of Waterloo, shall be reunited for the purposes of Registration; and the whole County of Waterloo shall upon and after the said day form one Registration division; the Registry Office for the said County shall be kept in the Town of Berlin, and the appointment of a Registrar for the South Riding of the said County shall have no further effect upon and after the said day.

Ridings united for registration.

Registry office, and registrar.

2. The present Registrar of the North Riding shall, after the passing of this Act, be the Registrar of the whole County,

Registrar of N. Riding to holding

be registrar for all the county.

holding office on the same terms as other Registrars ; and all future appointments of Registrar shall be for the whole County, as reunited under this Act.

Transfer of documents from registry office at Preston to that at Berlin.

3. Upon and after the day last aforesaid all memorials, certificates, register books, calendars, instruments, documents, and papers relating to the registration of deeds, or other instruments or documents affecting real estate in the South Riding of the County of Waterloo, and registered in the Registry Office at the Village of Preston, or in any way forming part of the records and muniments of the said Registry Office, shall be transferred to the Registry Office for the County of Waterloo to be kept at the Town of Berlin, and shall make part of the registers, records, and muniments of the said office, and the same shall rank in the order and date of their registry in the South Riding, as if they had in such order and date been registered in the Registry Office for the said County of Waterloo ; and the Registrar of the said County shall have the same powers and duties with respect to them, and to all searches, certificates and other matters relating to them, as if the registration of the deeds, instruments and documents to which they relate had been effected in the said County Registry Office at the town of Berlin.

Powers and duties of registrar as to them.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . X X X V I .

An Act to authorize the Town of Sarnia to issue Debentures for redeeming some of their outstanding Debentures, for which no Sinking Fund has been provided.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Corporation of the Town of Sarnia have petitioned to be authorized to issue a certain amount of debentures for the purpose of redeeming a portion of the debentures of the said town, for which no Sinking Fund has been provided by law, and which debentures were issued under a By-law numbered twenty-eight, passed on the twenty-second day of January, one thousand eight hundred and fifty-eight, to purchase land for streets in the said town : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation may issue debentures to redeem others now outstanding.

1. The Corporation of the Town of Sarnia may pass a By-law or By-laws for authorizing the issue of debentures of the said town for a sum not exceeding, in the whole, sixteen thousand five hundred dollars, to redeem certain debentures issued under the aforesaid By-law dated and passed in the year one thousand eight

eight hundred and fifty-eight, and numbered in the books of the said Corporation as twenty-eight and falling due as follows, viz :

\$3,500	in the year	1863.
3,400	“ “	1864.
3,300	“ “	1865.
3,200	“ “	1866.
3,100	“ “	1867.

And it shall not be necessary, with respect to any such By-law, to comply with the provisions of section two hundred and twenty-four of Chapter fifty-four of the Consolidated Statutes for Upper Canada, which requires the assent of the electors of the Municipality; and the Corporation may repeal the said By-law number twenty-eight, so far as regards the levying of rates imposed by such By-law for the redemption of such original debentures and the payment of interest on the same.

Assent of electors not required.

2. The Debentures to be issued under the preceding section of this Act, shall be made payable at not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums, not less than one hundred dollars each, and in Provincial or other currency, and shall bear interest at such rate not exceeding eight per cent. per annum, as the Corporation of the said town may think fit.

Debentures to be payable within twenty years.

3. The By-law or By-laws authorizing the issue of such Debentures shall provide for the raising of a special rate, sufficient to pay the yearly interest and provide for the payment of such part of the principal sum as may fall due in each or any year, according to the terms of the By-law.

Special rate to be imposed.

4. The proceeds of the Debentures aforesaid shall be applied in the redemption of the Debentures issued by the Town and the payment of interest accruing, as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Application of proceeds.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X V I I .

An Act to empower the Municipal Council of the Township of Dereham to loan a portion of their share of the Clergy Reserve Moneys for certain drainage works in the said Township.

[Assented to 15th October, 1863.]

WHEREAS there exist in the Township of Dereham, in the County of Oxford, considerable tracts of land which are utterly waste and unprofitable, and the owners of the said lands

Preamble.

lands and of lands in the vicinity have petitioned the Municipal Council of the Township to undertake the drainage of the said lands, and the said Council to enable them to do so have petitioned the Legislature for power to pass a By-law or By-laws appropriating for that purpose, by way of loan secured on the lands to be benefitted by such drainage works, a sum of money out of the uninvested portion of Clergy Reserve Moneys in their hands, or that may hereafter come into their hands, 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:

Council of Derham may loan money for certain drainage purposes.

How to be repaid, &c.

Interest payable by the parties.

Sinking Fund.

Appropriation of interest, &c.

Public Act.

1. The Municipal Council of the Township of Derham is hereby empowered to pass a By-law or By-laws appropriating any portion of Clergy Reserve Moneys now in their hands or which may hereafter come into their hands, to be expended for the drainage of lands within the said Township; the said drainage works shall be executed by the said Council in accordance with the provisions of the two hundred and seventy-eighth and two hundred and seventy-ninth Sections of Chapter fifty-four of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*; and the money expended thereon, shall be deemed to be a special loan or special loans to the parties whose lands will be benefitted thereby, to be apportioned among them and repaid by them respectively, in such proportions and at such periods as may be established under the By-laws to be passed for that purpose in accordance with the two hundred and seventy-ninth section of the Act above cited, and the said sections two hundred and seventy-eight and two hundred and seventy-nine shall be understood as forming part of this Act.

2. Interest shall be paid on each loan by the parties chargeable therewith respectively, at the rate of six per centum per annum, and annual payments shall be made by them into a sinking fund, to an amount sufficient to discharge and pay off the capital of each of the said loans within the period of twenty years.

3. The annual interest received on the said loans shall be appropriated for the special purposes to which the said Council have by By-law devoted or may devote the income arising from the amount of Clergy Reserve Moneys accruing to them as aforesaid, and the proceeds of the sinking fund for the repayment of the loans, shall be invested according to law for the same purpose.

4. This Act shall be deemed a Public Act.

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

An Act to restrict the raising of Public Moneys in the Incorporated Village of Aurora, and for other purposes.

[Assented to 15th October, 1863.]

WHEREAS the Municipal Council of the Incorporated Village of Aurora, in the County of York, have by their petition represented, that it is necessary to restrict the raising of Public Moneys in the said Village, and also, to provide for the participation in the rights and privileges of the School of the said Village, by certain inhabitants heretofore belonging to said School; and it is desirable to grant the prayer of said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. No By-law of the Municipal Council of the said Village whereby the annual rate therein for all purposes (save those for school and county purposes), shall be increased beyond five cents in the dollar on the annual value of the rateable property therein, shall be valid, unless before its final passing it receives the assent of at least two-thirds of the freeholders of the said village, in the manner (as nearly as may be) provided for in the one hundred and ninety-third section of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada.*

Taxes over a certain amount not valid unless sanctioned by the rate-payers.

2. And whereas portions of the Townships of Whitchurch and King, not included within the limits of the said village, as fixed by By-law number one hundred and ten of the Counties Council of the United Counties of York and Peel, have been for several years included within the School section embracing the said Village of Aurora, and the proprietors of the rateable property of the said portions of the Townships of Whitchurch and King have been heavily taxed to aid in constructing and furnishing a Public School House for the said Section; and the said School House, under the aforesaid By-law number one hundred and ten, has become the property of said Village; and whereas it is right to secure the said proprietors who reside without the limits of the said Village, in the use and enjoyment of the said School House for a limited period: Therefore, notwithstanding anything in the School Laws of Upper Canada to the contrary, it shall and may be lawful for the inhabitants resident on the west halves of lots numbers seventy-seven, seventy-six, seventy-five and seventy-four in the first concession of the Township of Whitchurch, and the east half of lot number seventy-five, and the whole of lots numbers seventy-six and seventy-seven, in the first concession of the

Recital of case.

Inhabitants of certain parts of Whitchurch and King confirmed in certain rights as to school house in Aurora, for a certain period.

Proviso.

Township of King aforesaid, to have and enjoy all the privileges and rights of residents of the former School Section, and of the School Section composed of the Village of Aurora, in so far as the privileges and benefits of the public common school thereof are concerned, for a period not exceeding twelve years from the first day of January, one thousand eight hundred and sixty-three, and shall, during such period, be liable to the payment of all school rates and assessments in the same manner as if they were residents of the said school section and village, and as if their rateable property were for such purposes included within its limits; Provided always, that if, at any time, the said inhabitants, or a majority of them, shall desire to separate from the said village for school purposes, it shall be lawful for them so to do by giving to the School Trustees of the said village one year's notice thereof, in writing.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X X X I X .

An Act to authorize the Municipal Council of the Village of Cayuga, in the County of Haldimand, to sell a portion of the Market Block of the said Village, and for other purposes.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Corporation of the Village of Cayuga, in the County of Haldimand, have by their petition represented, that it would be advantageous for the inhabitants of the said Village that a certain part of the ground known as the Market Block, in the said Village, should be disposed of, and the proceeds applied towards the construction of a Market House and Town Hall in the said Village, and have prayed to be authorized to make such sale, and to apply the proceeds as aforesaid, 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:

Corporation may sell part of the said market block and apply the proceeds to certain purposes.

1. It shall be lawful for the Corporation of the said Village of Cayuga, to dispose of, sell by public or by private sale and convey in fee simple to the purchaser or purchasers thereof, in one or more lot or lots, and for such price and on such conditions as the said Corporation shall think fit, all that portion of the lot of land in the said Village, granted to the said Corporation as a site for a Market, by letters patent from the Crown, bearing date the eighteenth day of November, one thousand eight hundred and sixty-one, which lies south of King street in the said Village, and to apply the purchase moneys or proceeds of such sale or sales towards erecting a

Market

Market House and Town Hall on that part of the said Market Block, which lies north of King street aforesaid; Provided Proviso. always, that the purchaser or purchasers of any part of the said Market Block, sold under the authority of this Act, shall not be bound to see to the application of the purchase money.

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

C A P . X L .

An Act to legalize and perfect a certain exchange of Lands agreed upon between the Rector and Church-Wardens of St. Paul's Church, London, and the Corporation of the City of London.

[Assented to 15th October, 1863.]

WHEREAS the Mayor and Corporation of the City of London, the Bishop of the Diocese of Huron, and the Church-wardens of St. Paul's Church, London, Upper Canada, have by their petition represented,—That the Courts of Law for Upper Canada, have recently adjudged to be a portion of North Street in the said city, a certain piece of land hitherto in possession of the Rector and Church-wardens of the said Church of St. Paul, who had until such decision of the Courts to the contrary, regarded it as a portion of the Glebe land appurtenant to the said Church; and that North Street aforesaid, exclusive of the said strip of land, is of a greater width than one hundred feet, and that it has been proposed by the said Rector and Church-wardens that the said strip or piece of land should be vested in the said Rector and Church-wardens and that in lieu thereof, a piece or strip of land lying along the eastern boundary of Richmond Street and Mark Lane, between North and Duke Streets, in the said City of London, the property of the said Church, should be vested in the Corporation of the said City of London, as an addition to the width of Richmond Street and Mark Lane aforesaid; that the Corporation of the said city have approved of such proposal; that such an arrangement would be beneficial to the said Church and favorable to the interests of the public of the said City of London; and have prayed that such exchange might be perfected by means of an Act of Parliament: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. That piece or parcel of land containing by admeasurement, eleven thousand six hundred and seventy square feet, and which may be described as: commencing at the point of intersection of the western limit of Church Street with the original northerly limit of North Street, thence westerly along the said original northerly limit of North Street, four hundred and ninety-four feet

A certain piece of ground vested in the Rector as part of the block on which St. Paul's church stands.

feet eleven inches, more or less, to a line drawn from the point of intersection of the southerly limit of Duke Street with the easterly limit of Mark Lane, to the point of intersection of the southerly limit of North Street with the easterly limit of Richmond Street; thence southerly along the said line, twenty-six feet nine inches and a half, thence easterly, four hundred and ninety-nine feet and one inch, more or less, to a point southerly from the place of beginning in a line with the said westerly limit of Church Street, twenty-one feet and four inches, thence, northerly to the place of beginning; shall be and the same is hereby declared to be a part or portion of the block of land on which the said Church of St. Paul stands, and the same shall be and is hereby vested in the said Rector, for the time being, to be by him held upon the same trusts as the said block of land is held, and subject in all things to the same powers as have been conferred by Act of Parliament or otherwise, with regard to the said block of land, as if the said piece or parcel of land had been included in the patent from the crown, of and as forming part of the said block of land.

A certain other piece transferred to the corporation of London, in compensation.

2. That piece or parcel of land containing by admeasurement, eleven thousand five hundred and thirty square feet, and which may be described as: Commencing at the said point of intersection of the said southern limit of Duke Street with the said easterly limit of Mark Lane, thence southerly along the easterly limit of Mark Lane and of Richmond Street, to the point of intersection of the said easterly limit of Richmond Street with the original northerly limit of North Street, thence easterly along the said original northerly limit, twenty-one feet one inch, more or less, to the said line drawn from the said last named place of beginning, to the point of intersection of the said southerly limit of North Street with the said easterly limit of Richmond Street, thence northerly along the said line to the place of beginning, shall be, and the same is hereby declared to be vested in the Corporation of the City of London aforesaid, to be by them held and used as a part or portion of Richmond Street and Mark Lane, in the said City of London.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X L I .

An Act to amend and consolidate the several Acts incorporating and relating to the City Bank.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the City Bank have prayed that the Act by which they are incorporated, and the several Acts amending the same, may be amended and consolidated, and it is expedient to grant their prayer: Therefore, Her Majesty, by

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

1. The shareholders of the City Bank, incorporated by an Act of the Parliament of that part of the Province called Lower Canada, passed in the third year of the reign of His late Majesty King William the Fourth, and intituled: *An Act to incorporate certain persons therein mentioned under the name of the "City Bank," to be established in Montreal,* (which said corporation was subsequently continued by letters patent of His said Majesty, bearing date the thirty-first day of May in the seventh year of the reign of His said Majesty, and afterwards extended by an Act of the Legislature of this Province, intituled: *An Act to extend the Charter of the City Bank, and to increase the capital stock thereof,* and the respective heirs, executors, and assigns of such shareholders, are and shall be and continue to be, during the continuance of this Act, a body politic and corporate, by and under the name of The City Bank, and as such may acquire and hold such real estate, not exceeding the annual value of twenty thousand dollars currency, as may be necessary for the convenient management of their business; and may from time to time sell, alienate, and convey all or any part of the same, and acquire and hold other real estate in lieu thereof for the said purpose; but nothing herein contained shall be construed to make the said bank a new corporation, or in any way to affect any right or liability of the said bank nor any existing power or powers of attorney, or any action, suit, or proceeding pending at the time of the passing of this Act.

Acts and Letters Patent establishing Bank cited.

Corporation continued.

Real estate limited.

Bank not to be a new corporation, &c.

2. The capital stock of the bank is and shall be one million and two hundred thousand dollars, currency; which capital is and shall be divided into fifteen thousand shares of eighty dollars each.

Capital Stock \$1,200,000.

3. The chief seat or place of business of the bank shall be in the City of Montreal; but the directors may, from time to time, open and establish branches or agencies of the bank at other places in this Province; and for the management of the same may appoint either local directors or managers, or agents, or all, or any one or more of them, and make such rules and regulations for their guidance as shall not be repugnant to any law of this Province; Provided always, that no person shall be appointed a local director unless he shall be a holder and absolute owner, in his own name and right, (and not in trust for any purpose or person, or in trust simply,) of not fewer than ten shares wholly paid up, of the capital stock of the bank, and be also a natural born or naturalized subject of Her Majesty.

Chief place of business, &c.

Agencies, &c.

Proviso: qualification of local directors.

4. The affairs of the bank shall be managed by five directors, who shall be annually elected by the shareholders, at a general meeting to be held on the first Monday of June, at which the shareholders

Affairs to be managed by five Directors.

How chosen,
&c.

President and
Vice-President.

Vacancies.

Qualification
of Directors.

Proviso : for
re-election of
three Directors.

Present Direc-
tors continued.

Failure of elec-
tion of Direc-
tors.

Books and
correspondence
of Bank.

Quorum of
Directors, and
who shall
preside.

Casting vote.

shareholders shall vote according to the scale hereinafter established; and the directors elected by a majority of the votes shall be capable of serving as directors during the ensuing twelve months, and until they shall be replaced by their duly elected successors; At their first meeting after their election, the directors shall choose from among themselves a President and a Vice-President, who, respectively, shall hold their offices during the same period; in case of a vacancy occurring in the number of the directors, the remaining directors shall fill the same by election from among the other shareholders; and if the vacancy also cause the vacancy of the office of President or of Vice-President, the directors, at the meeting at which they shall have completed their number, or at their first meeting thereafter, shall choose from among themselves a President or a Vice-President, to continue in office during the remainder of the same period; Provided always, that each of the directors shall be, and during the three months immediately preceding his election shall have been the holder and absolute owner, in his own name and right, (and not in trust for any purpose or person, or in trust simply,) of not less than forty shares, wholly paid up, of the capital stock of the bank, and shall be a natural born or naturalized subject of Her Majesty, and be actually domiciled in, or within nine miles of the City of Montreal; and provided also, that it shall be lawful for the stockholders, at any annual general meeting, to pass a by-law, directing that three of the directors in office at the period of each annual election, shall be re-elected for the ensuing twelve months; And provided also, that the present directors shall remain in office until they shall be replaced by their successors, duly elected at the annual meeting of the shareholders to be held next after the passing of this Act.

5. The failure of an election of directors on the day fixed by this Act shall not affect the corporate existence or powers of the bank; but such election may be made at any subsequent time, at a general meeting of the shareholders, duly called for that purpose.

6. The books, correspondence and funds of the bank shall at all times be subject to the inspection of the directors, but no shareholder, not being a director, shall inspect or be allowed to inspect the account of any person dealing with the bank.

7. At all meetings of the directors, not fewer than three of them shall constitute a board or quorum for the transaction of business; and at every such meeting the President, or in his absence, the Vice-President, or in their absence, one of the directors present to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a director, and if there be an equal division on any question, shall also have a casting vote.

8. For the management of the affairs of the bank, the directors may, from time to time, make and enact by-laws, not repugnant to this Act, or to any law of this Province, and may alter and repeal the same, but no such by-law hereafter made, shall have force or effect until it shall have been confirmed by the shareholders; and of the intention of the directors to submit any by-law to the shareholders for confirmation, six weeks' public notice shall previously be given, in which, however, it shall not be necessary to embody the proposed By-law; provided always, that the By-Laws (numbered from one to twenty inclusive) heretofore passed by the Directors and of record among the minutes of the Bank are and shall continue in force until altered or repealed.

May make By-laws, &c. Subject to confirmation by Shareholders.

9. The directors may, by by-law to be approved at a general meeting of the shareholders, annually appropriate a sum of money, not exceeding four thousand dollars, from the general funds of the bank, to the remuneration of the services of the President and directors, as such; and may annually apportion the same among themselves in such manner, or according to such rule as they in each year shall see fit; no Director shall, during his service as such, act as a private banker, or as a director, manager or officer of any other bank (savings banks excepted), or banking company, either public or private.

£1000 may be annually set aside to remunerate Directors.

Proviso.

10. The directors shall appoint all such cashiers, managers, agents, clerks, and other officers and servants as shall be necessary for conducting the business of the bank, and allow them reasonable compensation for their services; provided always, that no person so appointed shall be permitted to enter upon the duties of his office until he shall have given bond or other sufficient security to the satisfaction of the directors, with condition for good and faithful behaviour, that is to say: the chief cashier in a sum not less than five thousand pounds currency, and every other cashier, and every manager, agent, clerk, or other officer or servant, in such sum as the directors shall deemed commensurate with the trust to be reposed in him.

Directors to appoint Officers.

Proviso: Officers to give security.

11. The directors shall make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; provided always that no dividend shall in any manner lessen or impair the capital stock of the Bank.

Half-yearly dividends.

Proviso.

12. A general meeting of the Shareholders of the bank shall be held at the bank, in the city of Montreal, on the first Monday in the month of June in every year, for the purpose of electing Directors, and for all other the general purposes and affairs of the bank; and at every such annual general meeting

Annual meeting.

Statement to be submitted. the

the Directors shall submit a full and clear statement of the affairs of the bank.

President or Directors may be removed for mal-administration, &c., and how.

13. It shall be competent for the shareholders to remove the President, Vice-President, or any Director or Directors, for maladministration, or other specified and just cause, by a vote to be given at any special general meeting called for that purpose; and after such meeting shall have been called, it shall be in the power of the Directors to suspend the person whose removal is proposed from the performance of his duties, until the decision of such special general meeting be obtained, and special general meetings of the Shareholders at their usual place of meeting in the city of Montreal, may at any time be called by not fewer than three of the Directors, or the same may at any time be called by any number not less than forty, of the shareholders, who, in their own names and rights, are proprietors of not fewer than eight hundred shares, wholly paid up, of the capital stock of the bank, and six weeks' public notice, specifying the particular object or objects of the meeting, shall previously be given of every such meeting.

Special meetings of Shareholders, how called.

Scale of votes by Shareholders.

14. At every meeting of the shareholders, they shall, respectively, be entitled to vote 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, one vote, making twenty votes for one hundred shares, and no stockholder shall be entitled to give a greater number of votes than twenty; absent shareholders may give their votes by proxy, such proxy being also a shareholder, and being also provided with a written authority from his constituent or constituents in the form established by the by-laws, and which authority shall be lodged in the Bank; provided always that no share, held for less than three calendar months immediately prior to the meeting of the shareholders, shall entitle the holder thereof to vote at such meeting, either in person or by proxy; and where two or more persons are joint holders of a share, one only of them, empowered by letter of attorney from the other or others, or a majority of the others of them, shall be entitled to represent such share, and vote accordingly; and provided also that no shareholder not a natural born or naturalized subject of Her Majesty shall, either in person or by proxy, vote at or assist in calling any meeting of the shareholders—anything in this Act, or in any law or usage to the contrary notwithstanding.

Proxies.

Joint holders of shares.

Shareholders voting must be natural-born subjects.

Cashiers and officers not to vote.

15. No cashier, manager, agent, clerk, teller, or servant of the Bank shall vote, either in person or by proxy, at any meeting

meeting for the election of directors, nor hold a proxy for the purpose.

16. Every share of the capital stock shall be held to be personal estate, and shall be transferable at the bank, according to the form of Schedule A annexed to this Act; but no transfer shall be valid and effectual unless it be made and registered in a book to be kept at the bank for that purpose, and be therein accepted by the party to whom the transfer shall be made, or his lawful attorney; the Directors may refuse to allow the transfer of any shares of stock, until the transferring party shall have previously discharged all his debts and liabilities to the bank exceeding in amount the value of his remaining shares, if any, and no fractional part or parts of a share shall be transferable; Provided always, that the Directors may from time to time make any given number of the shares of the capital stock transferable, and the dividends arising thereon payable in the United Kingdom, in like manner as such shares and dividends are now, respectively, transferable and payable at the bank in the city of Montreal, and to that end, the Directors may from time to time, make and prescribe such rules, regulations and forms, and appoint such agent or agents as they may deem necessary.

Shares to be personal estate, and how transferable.

Directors may open transfer books in the United Kingdom.

17. The transmission of the interest in any share of the capital stock, in consequence of the death, bankruptcy or insolvency of a shareholder, or of the marriage of a female shareholder, or by any other lawful means than an ordinary transfer under the preceding section, shall be authenticated by a declaration in writing made and signed by the party claiming the transmission or his lawful attorney, or in such other manner as the Directors shall require; every such declaration shall distinctly state the manner in which, and the party to whom, the transmission has been made, and shall be, by the party making and signing the same, acknowledged before a Judge of a Court of Record, or before the Mayor, Provost or Chief Magistrate, of a city, town, borough or other place, or before a Public Notary, or before the President, or a Cashier, Manager or local agent of the bank, at the place where the same shall be made and signed, and when so signed and acknowledged, shall be left with the Cashier, Transfer Clerk, or other officer of and at the bank in the City of Montreal, together with such original or officially authenticated documents or extracts, as shall be necessary to substantiate the essential averments in the declaration; and thereupon the party claiming and proving the transmission shall be entitled to have his name duly recorded in the register of shareholders in lieu of the name of the original shareholder from whom the same was transmitted; and until the transmission shall have been authenticated as aforesaid, no person claiming the transmission shall be entitled to receive any share of the profits of the bank, or to vote in respect of the share or shares in question; and any person wilfully making a false declaration shall,

How transmission of interest otherwise than by transfer shall be authenticated.

Proviso: as to declaration made out of H. M. dominions.

Proviso: Bank may require further proof.

If transmission of interest be by marriage.

If transmission of interest be by death, &c.

Bank may obtain the opinion of Superior Court.

Proviso: notice

on conviction, be deemed guilty of a misdemeanor, and be punished accordingly; Provided always, that every such declaration as shall be made and signed elsewhere than in the British dominions shall be further authenticated by, or shall be directly acknowledged before the British Consul, Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made; and provided also, that nothing herein contained shall be held to debar the bank, or the Directors, Cashier, Transfer Clerk or other officer or agent of the bank, from requiring further corroborative and authentic evidence of any essential fact or facts alleged in any such declaration, or touching the transmission claimed by, or the identity of the party claiming the same.

18. If the transmission of a share of the capital stock of the Bank be by virtue of the marriage of a female shareholder, the declaration of transmission shall be made and signed by such female shareholder and her husband, and it shall be competent to them to include therein a declaration to the effect that the share or shares transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband, and such declaration shall be binding upon the bank and the parties making the same, until the said parties shall see fit to revoke it by a written notice to that effect to the bank; and further, the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

19. Whenever the interest in any share or shares of the capital stock of the said City Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership or legal right of possession in any such share or shares shall change by any lawful means other than by transfer according to the provisions of the Act of incorporation of the Bank and of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such shares or shares of stock, then and in such case it shall be lawful for the said City Bank to make and file in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom; Provided always, that notice of such

such petition shall be given to the party claiming such shares, who shall upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in the interventions in cases pending before the said Superior Court; provided also, that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

to be given to claimant.

Proviso: as to costs.

20. The bank shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share of the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge, to the bank for any dividend, bonus or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the bank have had notice of such trust; and the bank shall not be bound to see to the application of the money paid upon such receipt.

Bank not bound to see to execution of trusts.

21. The bank shall not, either directly or indirectly, acquire or hold any real estate, other than such as by the first section of this Act they are authorized to acquire and hold, and also except as hereinafter provided, nor any ship or other vessel, nor any share of their capital stock, or of the capital stock of any other incorporated or unincorporated company; nor shall the bank, either directly or indirectly, lend money or make advances upon the security, mortgage, or hypothecation of any real estate, or of any ships or other vessels, or of any share of their own capital stock, or of any goods, wares, or merchandise; nor shall the bank, either directly or indirectly, raise loans of money, or deal in the buying, selling, or bartering of goods, wares, or merchandise; or engage, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes, and negotiable securities for money, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the bank may take and hold mortgages and hypotheques on real estate in this Province, and on ships and other vessels, and security on personal property, by way of additional security for debts contracted to the bank in the course of their dealings; and may also take in payment or purchase real estate from debtors or parties, in settlement of debts contracted in the ordinary course of business or in winding up insolvent estates, and may purchase and take any outstanding mortgages, judgments, or other charges upon real or personal property of any debtor

Bank not to hold real estate, except in certain cases, nor to lend money on mortgage, &c.

Proviso: as to additional security by mortgage, &c.

Proviso: Bank to have benefit of cap. 54 Con. Stat. Can.

debtor of the said bank; provided, always, that nothing herein contained shall be construed as affecting or depriving the bank of the benefit of any of the provisions of chapter fifty-four of the Consolidated Statutes of Canada, or of any Act or Acts amending the same; the provisions of all which shall apply to the bank in the same manner, and to the same extent as heretofore.

Discounts and advances to Directors limited.

22. The aggregate amount of discounts and advances made by the bank upon commercial paper or securities bearing the name of any director, or the partnership name of any director of the bank, shall never, at any one time exceed one-twentieth of the total amount of the discounts and advances made by the bank at the same time.

Bank may take or allow interest and retain discount.

23. The bank may allow and pay interest, not exceeding the legal rate in this Province, upon moneys deposited in the bank, and in discounting promissory notes, bills, or other negotiable securities on paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities, or paper, are *bonâ fide* payable at a place within this Province different from that at which they are discounted, the bank may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum on the amount of every such note, bill, or other negotiable security, or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the bank may charge any note or bill held by and payable at the bank against the deposit account of the maker of such note, or acceptor of such bill, at the maturity thereof.

May retain commission in certain cases.

May change unpaid notes to maker or endorser.

Bonds and bills of Bank to be binding, and how assignable.

24. The bonds, obligations and bills obligatory and of credit of the bank under the common seal, and signed by the President or Vice-President, and countersigned by the Cashier or other officer appointed by the bank, which shall be made payable to any person or persons, shall be assignable by endorsement under the hand or hands of such person or persons, and of his or their assign or assigns, and so as absolutely to transfer and vest the property thereof in the several assigns successively, and to enable such assign or assigns to bring and maintain an action or actions thereon in his or their own name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes, or letters of credit of the bank, signed by the President or Vice-President, or by a cashier or other officer appointed by the bank in that behalf, promising the payment of money to any person or persons, or to his or their order, or to the bearer, though not under the Common Seal, shall be binding and obligatory upon the bank, and shall be assignable and negotiable in like manner as if they were made and issued by a private person in his natural capacity.

25. The notes and bills of the bank made payable to order, or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the bank, in the city of Montreal, or from any of the branches or agencies, shall be payable on demand, in specie, at the place where they bear date; and a suspension of payment on demand, in specie, at any such place, of any such notes or bills of the bank, shall, if the time of suspension extend to sixty days consecutively, or at intervals within any twelve consecutive months, operate as, and be a forfeiture of the incorporation, and of all the privileges of the incorporation of the bank.

Notes and bills how, and where to be payable, &c.

26. The total amount of the bank notes and bills of the bank, of all values, in circulation at any one time, shall never exceed the aggregate amount of the paid-up capital stock of the bank, and the gold and silver coin and bullion, and debentures or other securities reckoned at par; issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of those bank notes and bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of one pound currency each; but no bank note or bill of the bank under the nominal value of five shillings shall be issued or put in circulation.

Amount of Bank Notes in circulation allowed.

Notes under \$4 limited.

27. The total amount of the debts of the bank shall, at no time, exceed three times the aggregate amount of the paid up capital stock, and the deposits in specie and government securities for money; and in case of excess, the bank shall forfeit their incorporation and all the privileges thereof, and the directors under whose administration the excess shall happen, shall be liable, jointly and severally, for the same, in their private capacities, as well to the shareholders as to the creditors of the bank; and an action or actions in this behalf may be brought against the directors, or any one or more of them, and the heirs, executors and administrators of the directors, or any one or more of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the bank, or the lands and tenements, goods and chattels of the bank from being also liable for the excess; provided always, that if any director present at the time of contracting any such excess of debt, do forthwith, or if any director absent at the time of contracting any such excess of debt, do within two days after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the directors, his protest against the same, and do within eight days thereafter, publish such protest in at least two newspapers published in the city of Montreal, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, from the liability aforesaid, anything herein contained, or any law or usage to the contrary notwithstanding; but such publication shall not exonerate any director from his liability as a shareholder.

Total amount of debts of the Bank limited.

Penalty for excess: and liability of Directors.

Proviso: how a Director may avoid such liability.

Shareholders' liability if the assets of the Bank are insufficient.

28. In the event of the property and assets of the bank becoming insufficient to satisfy the liabilities thereof, the shareholders in their private or natural capacities, shall be liable for the deficiency, but to no greater extent than double the amount of the paid up capital, that is to say: the liability of each shareholder shall be limited to the amount of his share or shares of the capital stock, and a further sum of money equal in amount thereto; Provided, always, that nothing in this section contained shall be constituted to alter or diminish the additional liabilities of the directors of the bank in this Act mentioned and declared.

Transfer of debts and rights of former corporations.

29. The bank is hereby declared liable for all the debts and liabilities of the several corporations in the first section of this Act mentioned; and is also hereby empowered in its own corporate name, to recover and hold as its own all the property, real and personal, of the said corporations, and all the debts remaining due thereto respectively; the said corporations being hereby declared to have been and to be, respectively, merged in the corporation by the said Act of incorporation and this Act constituted.

Directors to make statements and publish in Canada Gazette, &c.

30. Within the first three weeks of every month, the directors shall make up and publish in the *Canada Gazette*, and shall (if required) also transmit to the Governor a statement of the assets and liabilities of the bank on the last day of the preceding month, in the form of the schedule B, hereunto annexed, and if at any time required by the Governor, shall verify any such statement by the production of the balance sheets from which the same shall have been compiled; and furthermore shall, when required, furnish the Governor with such further information respecting the state and proceedings of the bank, and of the several branches and agencies thereof, as the Governor may reasonably see fit to call for; provided, always, that the balance sheets and the further information so furnished shall be held by the Governor to have been and to be so furnished in strict confidence, that the same shall not be divulged or made public, and that nothing herein contained shall authorize the directors to make known to the Governor the private account of any person having dealings with the bank.

Governor may require further information.

Proviso.

Bank not to advance money to Foreign Princes, &c.

31. The bank shall not, at any time whatever, directly or indirectly, advance or lend to, or for the use of any foreign prince, power or state, any sum or sums of money, or any securities for money, and if any such unlawful advances or loan be made, then and from the time of making the same, the bank, as a corporation, shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted, shall cease and determine, anything in the aforesaid Act of incorporation, or in this Act, to the contrary notwithstanding.

32. It shall be the duty of the directors of the bank to invest and keep invested at all times in the debentures of this Province, or secured on the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the bank; and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the bank, to the Minister of Finance, in the month of January of each year, under the penalty of the forfeiture of the charter of the bank, in default of such investment.

Bank to invest in debentures of the Province, &c.

33. The several public notices by this Act required to be given, shall be given by advertisement in two or more of the newspapers published in the City of Montreal, and in the official newspaper called the *Canada Gazette*.

Public notices how given.

34. On complaint made upon the oath of one credible person, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house or other building, yard, garden or other place where such person shall be suspected of carrying on such making or counterfeiting, to be searched, and all such counterfeit bank notes and bills, and all such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of bank notes or bills, as shall be found therein or thereon, shall forthwith be carried before the same, or any other magistrate, who shall cause them to be secured, and produced upon any prosecution in relation thereto, in a Court of Justice, and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

Authority to search when cause to suspect the counterfeiting of bills of the Bank.

35. If any person, whether an officer or servant of the bank or not, shall knowingly and wilfully falsify any account, book of account, balance sheet, or statement, in, of, or relating to the bank, whether by erasure or false addition, or by the omission of anything which ought to appear therein, or the insertion of anything which ought not to appear therein, or by the opening of any fictitious account, or by any other means whatsoever, with the intent to defraud the said bank, or any person whomsoever, or with the intent to exhibit a false statement of the affairs of the bank, or the position of any account or book of account therein, such person shall be deemed guilty of felony, and shall be punished accordingly.

Punishment for falsifying accounts, &c.

36. And whereas it may be deemed expedient that the name or names of the person or persons intrusted or authorized by the bank, to sign bank notes and bills on behalf of the bank, should be impressed by machinery, in such form as may from time to time be adopted by the bank, instead of being subscribed in the handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity

Signatures to Bank bills may be impressed by machinery.

of

of such notes and bills, be it therefore further declared and enacted, that all bank notes and bills of the City Bank, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the bank, shall be and be taken to be good and valid, to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted and authorized by the bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatever, and shall and may be described as bank notes or bills in all indictments, and all civil or criminal proceedings whatsoever; any law, statute or usage whatsoever to the contrary notwithstanding.

Public Act.
Name.

37. This Act shall be a Public Act, and shall be called and known as the Charter of the City Bank, and the Interpretation Act shall be applicable thereto.

Acts repealed
so far as in-
consistent with
this Act.

38. The Act of incorporation mentioned in the first section of this Act, and the several Acts subsequently passed in amendment of or in addition to the same, in so far as they are repugnant to or inconsistent with this Act, are hereby repealed.

Act to remain
in force till
1870, &c.

39. This Act shall be and remain in force until the first day of June, in the year one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

SCHEDULE A.

Referred to in the foregoing Act.

For value received from _____, I, (or we) _____ of _____, do hereby assign and transfer unto _____ shares, (on each of which has been paid _____ dollars _____), amounting to the sum of (_____ dollars _____), in the capital stock of the City Bank, subject to the rules and regulations of the bank.

Witness my (or our) hand (or hands) at the said bank, this _____ day of _____, in the year one thousand eight hundred and _____.

(Signature.)

I, (or we) do hereby accept the shares above transferred.

Witness my (or our) hand (or hands) at the bank, this _____ day of _____, one thousand eight hundred and _____.

(Signature.)

SCHEDULE

SCHEDULE B.

Referred to in the foregoing Act.

Return of the average amount of liabilities and assets of the City Bank, on the _____ day of _____, 18 _____.

LIABILITIES.

Promissory Notes in circulation not bearing Interest..	\$
Bills of Exchange in circulation not bearing Interest,	
Bills and Notes in circulation bearing Interest.....	
Balances due to other Banks.....	
Cash deposits, not bearing Interest.....	
Cash deposits, bearing Interest.....	
<hr/>	
Total Liabilities.....	

ASSETS.

Coin and Bullion.....	\$
Landed or other Property of the Bank.....	
Government Securities.....	
Promissory Notes or Bills of other Banks.....	
Balances due from other Banks.....	
Notes and Bills discounted.....	
Other debts due to the Bank, not included under the } foregoing heads.....	
<hr/>	
Total Assets.....	

C A P . X L I I .

An Act to amend the Act eighteenth Victoria, chapter two hundred and two, intituled: *An Act to incorporate the Molsons Bank.*

[Assented to 15th October, 1863.]

WHEREAS the Molsons Bank have, by their petition, prayed for certain amendments to the Act passed in the eighteenth year of Her Majesty's reign, and intituled: *An Act to incorporate the Molsons Bank*; 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:
18 V. c. 202.

1. The annual general meeting of the Shareholders of the Capital Stock of the said Corporation, for the purposes mentioned in the seventh and fifteenth sections of the said Act, shall be held on the second Monday in October in each year, instead of on the first Monday in August in each year; and the first annual

Day of yearly general meeting altered.

As to present directors.

annual general meeting of the said shareholders to be hereafter held shall be so held on the second Monday in October, one thousand eight hundred and sixty-four, and the Directors who would under the provisions of the said Act go out of office on the first Monday in August next shall remain in office until the said second Monday in October one thousand eight hundred and sixty-four.

Transfers of shares not valid unless made under s. 19, nor until all liabilities to the Bank exceeding remaining stock are discharged.

2. No assignment or transfer of the shares of the said Bank shall be valid or effectual except as provided in the nineteenth section of the said Act; nor until and unless the person or persons making such transfer shall have discharged all debts due by him or them to the said Bank, as well all debts contracted previous to such transfer and not then matured or exigible, as all debts then matured or exigible, which may exceed in amount the remaining Stock (if any) belonging to such person or persons.

Bank to have special lien on shares on deposits.

3. The said Bank shall have a preferential lien for any debt due to it by any shareholder thereof, upon the shares of such shareholder, and shall be entitled to charge any overdue note or bill held by and payable at the Bank against the deposit account of the maker or acceptor thereof, any law, statute or usage to the contrary notwithstanding.

Notes need not be countersigned.

4. Notwithstanding anything in the said Act contained, it shall not be necessary that the bills or notes of the said Corporation shall be countersigned by any official of the said Bank, or by any person whomsoever.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XLIII.

An Act to amend the Act respecting *La Banque Jacques Cartier*.

[Assented to 15th October, 1863.]

Preamble.

24 V. c. 90.

WHEREAS the Corporation of *La Banque Jacques Cartier* have by petition to the Legislature prayed for the amendments hereinafter made to the Act passed in the twenty-fourth year of Her Majesty's Reign, chaptered ninety, and known as the charter of *La Banque Jacques Cartier*, 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:

Scale of voting altered.

1. The number of votes which the Shareholders of the said Bank shall respectively be entitled to give at their meetings shall, after the passing of this Act, be according to the following scale, that is to say: one vote for every five shares held by any such shareholder; Provided always, that no shareholder

Proviso.

shareholder shall at any time be entitled to more than twenty votes, whatever may be the amount of his shares, and subject to the provisos in the eighteenth section of the said Act; and so much of the said eighteenth section as prescribes any other scale of voting, is hereby repealed.

2. And for remedying an error in the French version of the twenty-first section of the said Act, and making it agree with the English version thereof, which is correct, it is further enacted, that immediately after the word "Banque" in the twelfth line of the French version of the said section, as printed by the Queen's Printer, the words "ou encourues par telle personne ou telles personnes envers la dite banque, et alors non exigibles," shall be inserted; and after the words "à elle" in the thirteenth line, the words "ou elles" shall be inserted,—and the French version of the said section shall be read and have effect as if the said words had been therein so inserted at the time of the passing of the said Act.

Error in French version corrected.

3. This Act shall be deemed a Public Act, and shall form one Act with the Act hereby amended, so that the citation of "The charter of La Banque Jacques Cartier," shall be held to mean the said charter as hereby amended.

Public Act.

Short title.

C A P . X L I V .

An Act to amend the Act incorporating the Merchants' Bank.

[Assented to 15th October, 1863.]

WHEREAS the provisional directors of the Merchants' Bank have by their petition represented, that by reason of the present derangement of trade, they have been unable to complete the organization of the said bank, and have prayed for an extension of time for that purpose, and that the sum required to be paid in before organization be reduced to a sum more nearly approaching that required from other banks, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The period limited by the Act twenty-fourth Victoria, chapter eighty-nine, incorporating the said bank, and by the Act twenty-fifth Victoria, chapter sixty-five amending the same, for organizing the said bank, is hereby extended from the first day of June, one thousand eight hundred and sixty-three, to the first day of June, one thousand eight hundred and sixty-four.

Period for organization extended.

2. The amount required by the said Acts to be paid in by subscribers to the stock of the said bank before the same can be organized, is hereby reduced from two hundred thousand dollars

Sum required to be paid up before organization reduced.

dollars to one hundred thousand dollars ; after the payment of which latter sum the said bank may be organized and put in operation, as provided by the third section of its Act of incorporation.

S. 20 of the Bank charter repealed.

3. Section twenty of the said Act incorporating the said bank is hereby repealed.

Lien of the Bank on Shares.

4. The said bank shall have a preferential lien for any debt due to it by any shareholder thereof, upon the shares of such shareholder, and shall be entitled to charge any overdue note or bill held by and payable at the bank, against the deposit account of the maker or acceptor thereof ; any law, statute or usage to the contrary notwithstanding.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X L V .

An Act to repeal the Incorporation Acts of the Colonial Bank, of the International Bank, of the Clifton Bank and of the Bank of Western Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS certain Banks chartered to carry on business in this Province, that is to say, the Colonial Bank of Canada, the International Bank of Canada, the Clifton Bank (formerly the Zimmerman Bank), and the Bank of Western Canada, have become insolvent and have discontinued Banking operations, and it is advisable to prevent their resumption of business on the terms and conditions embodied in the several charters of the said Banks : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Acts 19, 20 V.
c. 123, 20 V.
c. 162, 18 V.
c. 203, 22 V.
c. 104 repealed.

1. The Act intituled : *An Act to incorporate the Colonial Bank of Canada*, passed on the first day of July, one thousand eight hundred and fifty-six ; the Act intituled : *An Act to incorporate the International Bank of Canada*, passed on the tenth day of June, one thousand eight hundred and fifty-seven ; the Act intituled : *An Act to incorporate the Zimmerman Bank*, passed on the nineteenth day of May, one thousand eight hundred and fifty-five ; and the Act intituled : *An Act to incorporate the Bank of Western Canada*, passed on the fourth day of May, one thousand eight hundred and fifty-nine, together with all Acts and parts of Acts passed for the purpose of altering or amending the Acts above cited or any of them, shall be and the same are hereby repealed.

Rights against stockholders, &c., saved.

2. The rights of all persons against any individual or individuals who may be liable either as being or having been stockholders

stockholders of, or has being or having been otherwise connected with the said Banks or any or either of them, shall remain and may be enforced as if this Act had never been passed.

3. The said several Corporations shall legally subsist and continue for the special purposes, and those only, of suing and maintaining actions, bills and other legal proceedings, and of being sued or prosecuted in, or made party to, any actions, bills, or other legal proceedings, in respect of transactions entered into by them respectively previously to the passing of this Act.

Corporations continued for certain purposes only.

4. This Act shall be a Public Act.

Public Act.

C A P. X L V I.

An Act to establish an Institution of Landed Credit (*Crédit Foncier*) in Lower Canada.

[Assented to 15th October, 1863.]

WHEREAS it is of the highest importance that the farmers of that part of the Province of Canada called Lower Canada, should be in a position to procure such capital as they may require, at a reasonable rate of interest, upon easy terms, and upon conditions of repayment suitable to their resources: 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, in Lower Canada, an institution of Landed Credit which shall be designated and known as "*Le Crédit Foncier du Canada*," and by that name the said institution may transact business, and may sue and be sued, may acquire and hold real and personal estate, and may dispose thereof, provided always that it shall dispose of all real estate, except such as may be necessary for its own use, within five years after acquiring the same.

Crédit Foncier established.

General corporate powers.

2. Whenever no fewer than twenty persons have signed a declaration that they desire the organization of the *Crédit Foncier* in Lower Canada, they shall transmit a copy of such declaration to Donald G. Morrison, Esquire, Public Notary, residing at St. Hyacinthe, President of the Central Committee at St. Hyacinthe, formed for the purpose of establishing a Bank of Landed Credit (*Crédit Foncier*), or to George Boucher de Boucherville, Esquire, Advocate, residing at St. Hyacinthe, Corresponding Secretary of said Committee, or to Honoré Mercier, Esquire, residing at St. Hyacinthe, Recording Secretary of the said Committee, who may or any of whom may call a preliminary meeting, which shall be called by advertisement in newspapers published in Montreal, Quebec and Three Rivers;

Formalities previous to its organization.

Preliminary meeting.

Rivers;

Notice thereof. Rivers ; the notice calling the meeting shall be given at least fifteen days before the day of meeting ; the notice shall indicate the place, day and hour of the meeting.

Provisional Directors.

3. At the said preliminary meeting three Provisional Directors shall be chosen, whose duty it shall be to cause subscription lists to be opened, notice of which shall be given in at least two newspapers, indicating the time and place at which the said lists will be opened.

General meeting of stockholders.

4. So soon as one thousand shares shall have been subscribed, the said Provisional Directors shall call a general meeting of the stockholders by circular letter to each subscriber, and by notice in at least two newspapers.

Board of Directors to be appointed.

President.

5. At the said meeting nine Directors shall be chosen, who shall elect their President ; they shall form the Board of Direction of the Crédit Foncier ; the lists of subscription shall be transferred to the Board, who shall give notice of the times and places at which they will be opened and deposited for receiving further subscriptions.

Assistant Directors.

6. At the said meeting, or at any subsequent general meeting, three Assistant Directors may also be chosen.

Qualification of Directors.

7. No person shall be elected a Director or an Assistant Director who is not a proprietor of at least ten shares, on which all calls have been paid in full, a British subject, and resident in the Province of Canada.

Quorum of Directors.

Vice-President.

8. The majority of the Directors shall constitute a quorum at meetings of the Board ; The President or Vice-President, chosen *pro tempore*, to preside in the absence of the President, shall vote as a Director only.

Term of office.

9. The Directors shall remain in office until replaced by election.

One-third to retire annually: may be re-elected.

10. The Directors shall be elected for three years, but one-third in number of them shall go out of office annually, to be replaced by election ; it shall be decided by lot which of the Directors elected at the first meeting shall retire at the end of the first and second years ; they may be re-elected.

Amount of first instalment on each share.

11. At the first general meeting of the stockholders a decision shall be come to, as to what shall be the amount of the first instalment payable on each share, but it shall not be more than one-tenth the amount of such share then subscribed, unless it is otherwise decided by the unanimous consent of all the shareholders.

12. The first instalment of the said shares of the capital stock subscribed for, shall be paid at such times and places as the Directors shall appoint, and if it is not paid at the place and time so appointed, the said Directors may, without other formality, erase the names of the shareholders so neglecting to pay, and thereupon such subscriptions to such shares whereof the instalments shall not have been paid, shall be as void as if they had never been given; the executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and they are hereby indemnified for paying the same; as regards subsequent instalments, their amounts shall be determined by the Directors, provided that they shall not exceed ten per cent. on each share, and two months' notice shall be given before payment is demanded of any such instalment.

When, where and how to be paid: forfeiture of rights for non-payment.

Subsequent instalments.

13. If any person subscribing for shares in the capital stock of the said Crédit Foncier is desirous of paying up, either at the time of subscribing or at any other time the full amount of his shares, the Directors may at any time admit and receive such subscriptions, and the full payment or payments of any number of instalments upon such conditions as they may deem expedient; provided it be open to all shareholders to avail themselves of similar conditions.

Payment of shares in full.

14. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the Crédit Foncier 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 Crédit Foncier without any previous formality other than thirty days' public notice of the intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred on the whole; provided that the said fine or sale shall have been specially authorized by a resolution of the shareholders at a special meeting called for the purpose; and the President or the Vice-President, or the Cashier, of the Crédit Foncier, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Forfeiture for refusal or neglect to pay instalments.

Sales of shares forfeited.

Proviso: forfeiture may be remitted.

Amount of capital stock and number of shares.

Increase of capital.

Privilege of holders of old stock.

When and how the operations of the company shall be begun.

Certificate to Provincial Secretary.

Certificate of Provincial Secretary that this Act has been complied with.

Principal office.

Agencies, &c., to be established.

15. The capital stock of the Crédit Foncier shall be one million of dollars, divided into ten thousand shares of one hundred dollars each; so soon as the capital stock shall have been all subscribed, the Directors of the Crédit Foncier may, in conformity to the decision come to by the shareholders at a general annual meeting, increase the capital stock by the issue of a new series of shares, provided that each new series shall not exceed one million of dollars; and provided also that no new series of shares shall be issued after the first, unless the full amount of the previous new series shall have been subscribed and paid up; the subscribers to the first capital stock, their heirs and successors being entitled to take, by privilege, in the new issues of shares, an amount proportionate to their shares in the first capital stock, and on the same terms and conditions.

16. So soon as fifty thousand dollars shall have been paid in or deposited to the credit of the Directors, in one or more of the chartered Banks of Lower Canada designated by them, and the Directors shall have organized the staff of the institution, the said Directors shall give notice thereof in the Official Gazette, and the President and Cashier of the said institution shall certify to the Secretary of this Province, for the information of the Governor, and under the seal of the Corporation, that such election of Directors has been had in conformity to this Act, and the names of the Directors so elected, and shall transmit to the said Secretary a copy of the subscription books aforesaid, shewing the number and names of the Subscribers, the actual *bonâ fide* amounts of their respective subscriptions, and an affidavit or solemn affirmation of the said President and Cashier that the said copy is a faithful and correct transcript from the original books in the possession of the said institution; and if it shall appear from the documents aforesaid, that an amount not less than fifty thousand dollars of the said stock has actually been subscribed for *bonâ fide*, and if the said institution shall, with the documents aforesaid, transmit also to the said Secretary, the certificate of the cashier of some chartered Bank in Lower Canada, of the deposit therein of a sum not less than fifty thousand dollars upon the amount of subscription, then the said Secretary is hereby required forthwith to deliver to the President and Cashier a certificate that all the requirements of this section have been complied with; and thereupon the Crédit Foncier may begin its operations.

17. The place at which the principal office of the Crédit Foncier for the transaction of business shall be kept, shall be in the city of Montreal.

18. There shall be but one institution of Crédit Foncier for Lower Canada, provided the Directors shall establish agencies or branches, within twelve months after the institution shall begin its operations, in the cities of Quebec and Three-Rivers; and

and provided also that whenever, after twelve months of the beginning of its operation, a petition, signed by twenty land owners residing within any judicial district wherein no agency has been established, shall be presented to the Crédit Foncier requesting the establishment of an agency within said district and offering at the same time, at a fair rent, a suitable location and buildings, together with a fire proof iron safe; then the Crédit Foncier shall be bound, within six months from the date of said petition and the performance of the offers therein contained, to establish such agency in said District and in default or neglect on behalf of the Crédit Foncier of establishing such agency within the said period, then it shall be optional with the inhabitants of said District to petition for a charter to establish an Institution of Crédit Foncier in and for the said district; agencies may be established in each county, so soon as circumstances will permit.

An agency must be established in any district on certain conditions.

Consequences of neglect to establish the same.

19. Any vacancy occurring among the Directors by death, illness, prolonged absence, resignation or otherwise, shall be filled by one or more of the assistant directors to be chosen by the Board, and in case there shall not be a sufficient number of assistant directors to form a quorum with the directors, then by an election at a special meeting of the shareholders called for the purpose.

Vacancies among Directors how filled.

20. Every shareholder shall be entitled to vote at meetings, either in person or by proxy, according to the following scale: but no one shall be entitled to vote as proxy, unless he shall be a shareholder; each shareholder shall be entitled to one vote for one and not exceeding two shares,

Scale of votes.

Above 2 shares to 1 vote for every 2 additional shares,

" 10	" 1	" 4	" "
" 18	" 1	" 6	" "
" 30	" 1	" 10	" "

but not to more than fifteen votes, and no person shall be entitled to vote unless the instalments due on his shares shall have been paid; provided also, that if all the shareholders present or represented at a meeting specially convened for the purpose by special notice, sent by mail to each shareholder at least three months beforehand, should unanimously be of opinion that the number of votes which each shareholder should have in proportion to the number of his shares, ought to be changed, such change may be made and such by-laws adopted as may be deemed necessary for the purpose.

Proviso: number may be changed and how.

21. No Cashier, Assistant-Cashier, clerk, or other subordinate officer of the Crédit Foncier shall vote at any meeting for the election of Directors or Assistant Directors.

Officers not to vote at elections of Directors.

22. Any number, not less than twenty-five of the shareholders of the Crédit Foncier, who together shall be proprietors of

Special general meetings.

of at least one hundred shares of the paid up capital stock, by themselves or their proxies, or the Directors, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders, to be held at their usual place of meeting, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object or objects of such special general meeting be to consider of the proposed removal of the President or of a Director or Directors of the Crédit Foncier for mal-administration or other specified and apparently just cause, then and in any such case the person or persons whom it shall be so proposed to remove, shall from the day on which the notice shall be first published, be suspended from the duties of his office or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors, who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

If the object be the removal of any Director, &c.—suspension *pro-tem*.

Two classes of shareholders, rights and liabilities of each.

Ordinary shareholders.

Responsible shareholders.

Directors for each class.

Shares to be personal property, and how transmissible or transferable.

Made and conditions of transfer.

23. The shareholders are divided into two classes, that is to say: responsible shareholders and ordinary shareholders; the responsible shareholders are personally responsible for all the debts of the Crédit Foncier, but they have the sole right to the reserve fund, subject, nevertheless, to the restrictions herein-after mentioned; the ordinary shareholders are not liable for more than the amount of their shares, the payment of the amount of which shares to the Crédit Foncier frees them from any further liability; any person who, at the time of subscribing, shall not have expressly declared in writing his intention of becoming a responsible shareholder, shall be and remain an ordinary shareholder, notwithstanding any subsequent participation by him in the management or direction of the Crédit Foncier; the responsible shareholders shall elect five directors, and the four other directors shall be elected by the shareholders present.

24. The shares of the capital stock of the Crédit Foncier shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the Crédit Foncier or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the Directors, all debts actually due or contracted and not then due by him, her, or them to the institution which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share

share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Crédit Foncier an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted, but not then due by the original holder or holders of the said shares to the Crédit Foncier shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding; the transfer of any share or shares belonging to a responsible shareholder, for whatever cause or in whatever manner made, except by will or succession, shall not render the transferee a responsible shareholder, if such share or shares have not been transferred with the express condition that such transfer shall render the new proprietor thereof a responsible shareholder.

Sale of shares
in execution.

Effect of transfer as to responsibility.

25. Shares in the capital Stock of the Crédit Foncier may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, or elsewhere, in like manner as such shares and dividends are respectively transferable and payable at the chief office of the Crédit Foncier, and to that end the directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Shares may be made transferable in the United Kingdom, &c.

26. If the interest in any share in the Crédit Foncier become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of any city, town, borough or other place, or before a public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other officer or agent of the Crédit Foncier, duly authorized to that effect, who shall thereupon enter the name of the party entitled under such transmission in the register of Shareholders; and until such transmission shall have been so authenticated, no party or persons claiming by virtue of any such transmission shall be entitled to receive any share of the profits, nor to vote in respect of any such share as the holder thereof; Provided always,

Provision in case of transmission of shares by death, &c.

Declaration; and before whom to be made.

Proviso: as to that

declaration made in foreign countries, &c.

that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier, or other officer or agent of the Crédit Foncier, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to further proof.

Provision in case of transmission by marriage of a female shareholder.

27. If the transmission of any share of the Crédit Foncier be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall establish the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or the act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other authorized officer or agent of the Crédit Foncier, who shall, thereupon, enter the name of the party entitled under such transmission in the register of shareholders.

What shall be deemed proof in case of transmission by death.

28. If the transmission of any share or shares in the capital stock of the said Crédit Foncier be by the decease of any shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in the Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court or authority in England, Wales, Ireland, India, or any other British colony, or of any testamentary, or testament dative expedé in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

Crédit Foncier not bound to see to execution of trusts, &c.

29. The Crédit Foncier shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share

share shall stand in the books of the Crédit Foncier, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Crédit Foncier for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Crédit Foncier have had notice of such trust, and the Crédit Foncier shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

30. On the first Wednesday of February in every year, or if that day be a holiday, then on the next day thereafter not being a holiday, there shall be a general meeting of the shareholders to receive the Report of the Board of Directors. Annual general meeting.

31. The Directors shall make by-laws for the transaction of the business of the Crédit Foncier, which shall be submitted for the adoption of the shareholders, at a general meeting. By-laws how made.

32. The Directors shall appoint the General Manager, the Cashier, and all the subordinate officers and servants of the Crédit Foncier, and shall fix their salaries and remunerations; and they shall exact security for at least two thousand dollars from the Cashier, and one thousand dollars from the Assistant Cashier, or any other Officer having control over the funds of the institution. Appointment of officers: security, &c.

33. The Crédit Foncier may have a seal which they may change at pleasure, and which shall be kept by the President and the Cashier. Corporate seal.

34. All documents, extracts from the books, and certificates relating to the affairs of the Crédit Foncier, signed by the President or by one of the Directors of the Crédit Foncier, shall be *prima facie* evidence of the truth of their contents. Certified extracts from books, &c.

35. The Crédit Foncier shall only lend on first hypothec of real estate the value of which shall be at least double the amount of the loan, in sums of one hundred dollars or in multiples of one hundred dollars, repayable by annual instalments in advance; and any loan made on hypothec subsidiarily only to the hypothec of the *rentes constituées* under the Seigniorial Act, or to any privilege or hypothec specially exempted from registration, shall be considered as made on first hypothec; Provided always, that no such hypothec in favor of the Crédit Foncier shall in any case rank before the privileges and hypothecs above mentioned, or any other hypothec having priority of registration. In what manner and on what security and terms the Crédit Foncier may make loans. Proviso.

36. The annuity shall include the interest on the capital, sinking fund and costs of management; the annuity shall be stipulated Annuities for repayment.

stipulated in the instrument of loan, or the deed executed by the debtor in favor of the Crédit Foncier.

Rate of interest limited.

37. The Crédit Foncier shall not charge on its loan, or to its debtor, a higher rate of interest than eight per cent.

Period of annuity limited.

Sinking Fund.

Proviso: how the debtor shall be credited for payments to sinking fund.

But not while any payment is in arrear.

38. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power, nevertheless, to the borrower to acquit himself of the whole or any part thereof, at any time upon giving three months notice of his intention; Provided always, that the Crédit Foncier shall credit every debtor making a payment on account of the sinking fund with compound interest at the rate of interest payable on the loan to such debtor from the date of such payment to that of the final payment of the whole debt; but the Crédit Foncier shall not be bound to credit any of its debtors with interest accrued during any time when such debtor is in arrears in respect of any payment due to the sinking fund or during the pendency of any suit or other judicial proceeding for obtaining payment of any amount due to the sinking fund.

Partial repayments.

39. Partial repayment shall not consist of less than one annuity; and the annuity or annuities so prepaid shall be affected to the discharge of the annuities which are payable the last.

Anticipatory payments: conditions.

40. In case of anticipatory payment, the Crédit Foncier may require an indemnity which shall be calculated on the difference between the rate of interest stipulated in the deed or in the obligation, and that of the mortgage bond in circulation at the date of the anticipatory payment, and on the length of time the obligation has still to run, but such indemnity shall not exceed two per centum per annum on the amount of the anticipatory payment, for such time as the obligation or deed might have to run, and shall not in any case exceed the losses which the Crédit Foncier might incur in consequence of the said anticipatory payment.

Charge for costs of management.

41. The Crédit Foncier shall be empowered to charge one per cent. per annum on its loans for costs of management.

Issue of mortgage bonds: and how they may be secured.

42. The Crédit Foncier for the purpose of procuring capital, may issue mortgage bonds (*lettres de gage*) with or without interest, which, or any of which mortgage bonds (*lettres de gage*), at the option of the Directors, may be guaranteed by a special mortgage on the immovable mortgaged to the Crédit Foncier by the deed or obligation, the value or a portion of the value of which shall be represented by the said mortgage bonds; in that case the deed or obligation shall specially designate the said mortgage bonds by their numbers, series and dates; and the said mortgage bonds shall also mention the number of said deed, its date and the name of the Notary; which

which mention, under the attestation of the officers of the Crédit Foncier, empowered to sign the said mortgage bonds, shall be sufficient without any registration, to identify them with the said deed or obligation, and to preserve to the said mortgage bonds the right of mortgage stipulated in the said deeds or obligations in behalf of the said mortgage bondholders.

43. The Crédit Foncier shall not issue mortgage bonds to a larger amount than that of its hypothecary claims of which they shall be deemed to represent the value. Amount limited.

44. A portion of these mortgage bonds proportioned to the amount of the sinking fund paid in, shall be annually withdrawn from circulation by drawing of numbers (*tirage au sort*;) which shall designate those to be repaid, so that all the mortgage bonds which have been issued may be withdrawn from circulation at the expiration of the time fixed for their becoming due. A certain portion to be redeemed annually.

45. The mortgage bonds so designated by lot, shall be paid to the bearers at par in specie, fifteen days after the drawing and the publication of the numbers drawn, and ten days after the presentation of the mortgage bonds for payment, and the numbers so drawn shall be immediately published in the Official Gazette. In what order to be paid off, and when.

46. The mortgage bonds, the numbers of which shall be drawn, shall cease to bear interest from the time of their being so drawn. When interest shall cease.

47. The Directors may, if requested so to do by the holders of the mortgage bonds, exempt them from the drawing for one or more years, and in such case mention shall be made of such exemption on the mortgage bonds; they may also submit them to the drawing on the request of the holders; Provided that one month's notice be given before the then next drawing. Mortgage bonds may be exempted from tirage.

48. The Directors may attach interest coupons to the mortgage bonds. Interest coupons.

49. The mortgage bonds shall be payable either to order or to bearer; they shall be for one hundred dollars each, and may be delivered in subdivisions (*coupures*) at the option of the Directors and as they may think best for their negotiation; Provided always, that no subdivision shall be issued for a sum less than fifty dollars. Amount and form of mortgage bonds.

50. Whenever the interest in any share or shares of the Crédit Foncier, or in the dividend accrued thereon, or the right of property in any deposit therein, or in any mortgage bond or interest accrued thereon, shall be transmitted by the death of any shareholder, or otherwise, or whenever the ownership of or legal Provide.

In case of doubts as to ownership, &c., of mortgage bond, &c., transmitted.

legal right of possession in any such share or shares, dividend or deposit, or in any mortgage bond, or interest accrued thereon, shall change by any lawful means, other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the Crédit Foncier shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or deposit, or in any mortgage bond or interest accrued thereon, then and in such case it shall be lawful for the Crédit Foncier to make and file, in the Superior Court for Lower Canada, sitting at the chief seat or place of business of the Crédit Foncier, a declaration or petition in writing addressed to the Judge of the said Court, setting forth the facts, and the number of shares previously belonging to the party, in whose name such shares stand in the books of the Crédit Foncier or the amount of deposits standing in the name of the depositor thereof, or the amount and number, by numbers of the mortgage bonds and the interest accrued thereon, and praying for an order or judgment adjudicating and awarding the said shares, dividends or deposits, and the mortgage bonds, and interest thereon, to the party or parties legally entitled to the same, by which order or judgment the Crédit Foncier shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or deposits, or mortgage bonds, interest or dividend thereon, or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits, mortgage bonds, or interest, who shall, upon the filing of such petition, establish his right to the shares, dividends or deposits, mortgage bonds, or interest referred to in such petition; and the delays to plead, and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; Provided also, that the cost and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares, dividends or deposits, mortgage bonds, or interest, shall be declared lawfully to belong, and such shares, dividends or deposits, mortgage bonds, or interest shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

51. The mortgage bonds bearing a different rate of interest or payable at different periods, may be divided into series; the Directors may designate the series to be submitted to drawing, and shall give notice thereof at least one month before the drawing.

52. In case the Crédit Foncier should at any time issue a larger amount of mortgage bonds calculated at par, than they are authorized to do by this Act, the directors under whose administration the excess shall happen, shall be jointly and severally liable for the same, in their private capacity, as well

Crédit Foncier
may apply to
Superior Court.

Effect of
Judge's order.

Proviso: notice
to claimants,
&c.

Proviso: as to
costs.

Mortgage
bonds may be
divided into
classes, &c.

Liability of
Directors in
case of excess
of issue of
mortgage
bonds, notes,
&c.

to the shareholders as to the holders of the mortgage bonds of the Crédit Foncier, and an action or actions in that behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action shall not exempt the Crédit Foncier, nor its lands, tenements, goods or chattels, from being also liable for such excess; Provided always, that if any director present at the time of contracting any such excess of debt shall forthwith, or if any director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Crédit Foncier his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper, he may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, and administrators or curators, from the liability aforesaid, anything herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any director as a shareholder.

Proviso: how a Director may avoid such liability.

Proviso.

53. The Crédit Foncier shall not be liable for interest on the mortgage bonds accruing after they become due, unless they shall have been previously presented for payment, or unless special provision to the contrary be made in the said mortgage bonds.

Mortgage bonds due not to bear interest until presented.

54. The mortgage bondholders or their agents shall be entitled, at any time during office hours, to inspect the books of the Crédit Foncier in the presence of one of the employees of the institution, upon payment of a fee of twenty-five cents per hour; they shall also be entitled to demand certified extracts on payment of ten cents for every hundred words, and fifty cents for each certificate; provided always, that such inspection of the said books shall not take place when they are required for making entries, or so as to interfere with the transaction of business; the mortgage bondholders shall also be empowered to elect three censors, who shall have the right to be present at all the meetings of the shareholders as well as at all the meetings of the directors; to take part in all the deliberations; to express their opinions, and discuss them; see and examine the books; verify, criticise and approve all the operations of the Crédit Foncier in the interest and for the satisfaction of the mortgage bondholders; the mortgage bondholders shall apply to the Crédit Foncier for the payment of their mortgage bonds and dues; the mortgage bondholders can only apply for payment to the occupant (*détenteur*) of the immovables mortgaged to the Crédit Foncier or for the guarantee of the mortgage bonds, after discussion of the property of the Crédit Foncier.

Inspection of books of Crédit Foncier.

Censors: their appointment and powers.

When the creditor may apply to the holder of a lot mortgaged.

Percentage or payment of mortgage bonds, &c., in certain cases.

55. Whenever mortgage bonds payable *bond fide* in any place in this Province other than that in which they shall be presented for payment, or to be exchanged for specie, or to be paid including capital and interest, shall be presented for payment or to be exchanged for specie, the Crédit Foncier or its branches may charge one-fourth of one per centum thereon before receiving them or paying them or taking them in exchange for specie.

Reserve fund constituted.

56. There shall be a reserve fund, and the said reserve fund shall be composed of: firstly, the penalties; secondly, the surplus of the cost of management after deducting the expenses of management; the directors shall not change, add to or diminish the revenues of which the reserve fund is composed, without the unanimous consent of all the shareholders.

Application of the reserve fund.

57. The directors may use the reserve fund in loans on mortgage; the responsible shareholders, although alone entitled to the reserve fund, shall nevertheless receive nothing therefrom until it has reached an amount equal to one-fourth of all instalments paid in upon the shares of the first capital stock, and the reserve fund having attained that amount shall always be maintained at the same; the responsible shareholders being entitled only to the surplus or the profits accruing therefrom.

Expenses: out of what funds paid.

58. To the payment of the expenses of the Crédit Foncier shall be applied in the following order: first, The amount received for preliminary expenses; second, The costs of management.

Debts and loans: out of what funds paid.

59. To the payment of the debts and losses shall be applied in the following order: first, The revenues and profits; second, The reserve fund; third, The shares; fourth, The property movable and immovable of the responsible shareholders.

Proceedings to obtain a loan from the institution.

60. Every person who shall be desirous of borrowing from the Crédit Foncier shall be bound to present his application in which he shall state the sum and the time for which he desires a delay; this application shall be accompanied with the necessary titles and certificates of registration and other documents in support thereof.

Contents of application.

61. Every person shall, in his application for a loan, declare whether he is married or a widower, whether he is or has been a tutor or curator, whether he has burthened the property he proposes to hypothecate with any charge, privilege or hypothec, or whether he has personal knowledge that any such charge, privilege or hypothec really and actually exists on the said property.

Costs.

62. The costs of examination, inspection, valuation, and other preliminary expenses, shall be paid by the borrower.

63. Any married woman, being authorized to that effect by her husband, may renounce in favor of the Crédit Foncier to the priority of any right, privilege, claim or hypothec whatsoever, which she might or would have in virtue of any stipulated or customary dower, matrimonial resumption (*reprises matrimoniales*), or for any other cause whatsoever, on any property sold or hypothecated or proposed to be sold or hypothecated in favor of the Crédit Foncier.

Married women may renounce their rights in favor of the institution.

64. The Crédit Foncier may receive deposits bearing or not bearing interest and may sell foreign bills of exchange, but for cash only; the Crédit Foncier shall have the right of retaining from the deposits the amount which might be due by the depositor.

Deposits and sale of exchange.

65. The depositors may, when they wish, require of the Crédit Foncier certificates in detail of all or parts of their deposits, mentioning the dates, the nature and the conditions of such deposits; the Crédit Foncier shall be entitled to demand five cents for each certificate in detail entered in the deposit book of a depositor; but it will not be entitled to any fee when the certificate consists of a simple entry in the deposit book of the depositor, not vouched for in detail with the signature of an officer of the Crédit Foncier.

Depositors may require certificates.

Fee.

66. The Crédit Foncier may at any time exact payment of the balance not paid up, from any debtor who shall not have paid his annuity three months after it shall have become due, or who shall have reduced the value of the land he has hypothecated to such an extent as to endanger the claims of the Crédit Foncier; any debtor who shall neglect to pay his annuity at the time it shall become due, will incur a penalty in favor of the Crédit Foncier of two per cent. of the amount due, and of one per cent. on the same amount for each and every month he continues in arrear, besides all costs of notice, protest, collection and legal proceedings.

Crédit Foncier may require payment of the whole balance due on default to pay annuity.

Further penalty on debtor.

67. Any contestation respecting reductions in the value of real estate may, on the application of the Crédit Foncier, be submitted to the decision of arbitrators; the arbitrators shall be chosen, one by the Crédit Foncier and the other by the debtor, and in case of difference of opinion between the arbitrators, or of refusal on the part of the arbitrators to proceed, or of neglect of any of the parties to appoint his arbitrator, then the arbitrator appointed or who is willing to proceed, may apply to the Prothonotary of the Superior Court, within whose jurisdiction the real estate is situated, who shall appoint a judicial arbitrator who will proceed with the arbitrator or arbitrators already appointed to investigate the cause of complaint, and give their decision, which shall be as binding as if the three arbitrators had pronounced the same.

Arbitration in case of contested value of real estate.

Interest in case of non-payment.

68. In case of non-payment of annuities, the interest thereon in favor of the Crédit Foncier shall accrue *pleno jure*, from the day the payment becomes due.

Dividends may be declared.

69. Whenever the Directors shall be of opinion that the profits are sufficient they may declare dividends, which shall be payable at places to be fixed by the Directors, notice of which shall be given thirty days in advance; but the said dividends shall in no case be such as to affect or diminish the capacity of the institution to pay at any time, in specie, and at par, the mortgage bonds that may have become due or the interest thereon.

In case of suspension of payment.

70. A suspension by the Crédit Foncier or any of the branches, at which its mortgage bonds are payable, of the payment in specie of its said mortgage bonds when they fall due, or the interest thereon when it falls due, shall be sufficient to operate a forfeiture of its charter and all the privileges granted by this Act, if the period of suspension extend to six consecutive months; and any person is authorized to present a petition to the Superior Court, sitting at the chief place or seat of business of the Crédit Foncier, and the said Court, upon proof thereof, and unless the Crédit Foncier shall have obtained an extension of time for the suspension of payment by an order of the Governor in Council, for good and sufficient reasons, may declare the Crédit Foncier to have forfeited its charter and privileges.

Searches in case of suspicion of counterfeiting, &c.

71. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are or hath or have been concerned in making or counterfeiting any false mortgage bonds, false interest coupons, false undertakings or false orders of the said Crédit Foncier, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same or any part thereof, by warrant under the hand of such Justice to cause the dwelling-house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on such making or counterfeiting, to be searched; and if any such false mortgage bonds, false interest coupons, false undertakings, or false orders, or any plates, presses or other tools, instruments or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby required to seize such false or counterfeit mortgage bonds, interest coupons, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace

of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice having competent jurisdiction for the determination thereof; and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

72. The words "Crédit Foncier," when used in this Act, signify "*Le Crédit Foncier du Canada*," and the words "Mortgage Bonds" shall also apply to subdivisions of Mortgage Bonds (*coupures*). Words *Crédit Foncier*.

73. If the Institution of the *Crédit Foncier* be not brought into operation under this Act within five years from the passing thereof, this Act shall cease and be of no effect. Act void if not in operation in five years.

74. The *Crédit Foncier* shall on the first day of January and July in each year, transmit to the Minister of Finance, a full and clear statement of its assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as the Minister of Finance may require:— Semi-annual statement by the institution to the Minister of Finance.

1st. The amount of stock subscribed;

2nd. The amount paid in upon such Stock;

3rd. The amount borrowed for the purposes of investment and the securities given therefor;

4th. The amount invested and secured by hypothecary deeds;

5th. The value of the immovables under hypothec.

75. And such statement shall be attested by the oath, before some Justice of the Peace, or of two persons, one being the President, Vice-President, or other functionary for the time being, at the head of the *Crédit Foncier*, and the other the Cashier or Auditor of the *Crédit Foncier*, each of whom shall swear distinctly that he has such quality or office as aforesaid; that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular; that the property under hypothec has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares and mortgage bonds issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance in such manner as he shall think most conducive to the public good; and for any neglect How such statement shall be attested.
Penalty for not to

transmitting
such statement
in due time.

Minister of
Finance may
cause the
books, &c., to
be examined.

Penalty if
statement is
found wilfully
false, &c.

to transmit such statement, in due course of post, within five days after the day to which it is to be made up, the Crédit Foncier shall incur a penalty of one hundred dollars *per diem*, and if the same be not transmitted within one month after the said day, or if it shall appear, by the statement that the Crédit Foncier is insolvent, the Minister of Finance may, by notice in the *Gazette*, declare the business of the Crédit Foncier to have ceased; and if the Minister of Finance shall in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books, and inquire into the affairs of the Crédit Foncier, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Crédit Foncier is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Gazette*, declare the business of the Crédit Foncier to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Crédit Foncier to have ceased, he may, before so doing, give notice to the Crédit Foncier, and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements and the publication thereof, shall be borne by the said Crédit Foncier.

Public Act.
Limited to L.
C.

76. This Act shall be deemed a Public Act, and shall apply to Lower Canada only.

C A P . X L V I I .

An Act to amend and extend two several Acts passed respectively in the twentieth and twenty-second years of Her Majesty's reign, relating to the Western Canada Loan Company.

[Assented to 15th October, 1863.]

Preamble.
20 V. c. 166,

22 V. c. 134.

WHEREAS an Act was passed in the twentieth year of Her Majesty's reign, intituled: *An Act to incorporate the Western Canada Loan Company*, which Act was amended by an Act passed in the twenty-second year of Her Majesty's reign, and the Provisional Directors of the said Company have by their petition in that behalf prayed for the passing of an Act making further provisions for enabling the said Company to register, under the Joint Stock Companies' Acts in England, of one thousand eight hundred and fifty-seven, or one thousand eight hundred and fifty-eight, or any other Act of the United Kingdom for the Registration of Joint Stock Companies, and to make certain other amendments to the said Acts; and it is expedient to grant the prayer of such petition: Therefore, Her Majesty,

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

1. If it shall at any time be deemed desirable to register a memorandum or articles of association, under either of the said Acts, or under any other Act of the United Kingdom now or hereafter to be passed for the regulation of Joint Stock Companies, such memorandum or articles being registered for the purpose of granting to the said Company, under the title in this Act mentioned, the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by the Acts hereby amended, it shall be competent for any Directors to be elected under the said Acts to register such memorandum or articles of association; and the election of Directors, and also the time, place and mode of calling and holding general and extraordinary meetings, shall thereafter be subject to and regulated by such rules, regulations and provisions as shall be set forth in such memorandum or articles of association, and the general, extraordinary and other meetings of the Company, and the Directors and other officers of the Company, shall have such powers, privileges and authorities as are in the said Acts given, and in addition, such further powers (not inconsistent with the said amended Acts and this Act) as may be lawfully exercised by Companies carrying on business under the said Joint Stock Companies' Acts, in the same manner as if the same had been given and authorized by this and the said amended Acts.

Articles of association, &c., may be registered in United Kingdom for obtaining powers there.

Effect of such registration.

2. It shall be lawful for the whole or any number of the Directors to be resident in Great Britain, and the business may be carried on in this Province by commissioners or otherwise, as may be thought desirable, and the failure to elect Directors on any day when, pursuant to the said first recited Act in that behalf, such election ought to have been made, shall not cause or be deemed to have caused a dissolution of the said Corporation, but such election may take place, at any time to be fixed by By-law, or by a resolution of the shareholders convened for that purpose.

Directors may be resident in Great Britain, and act by commissioners in Canada, &c.

3. The Company shall commence operations within two years from the time of the passing of this Act, otherwise the powers granted by this Act and the said amended Acts, shall cease and determine.

Forfeiture of Act by non-user.

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

Public Act.

CAP. XLVIII.

An Act to amend the Act twenty-third Victoria, chapter one hundred and thirty, incorporating the Agricultural Loan Association of Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Agricultural Loan Association of Canada, have by their Petition prayed to have their Act of incorporation amended and further powers conferred upon them, 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:

Sect 63 of 23 V. c. 130, repealed.

1. The sixty-seventh section of the said Act, twenty-third Victoria, chapter one hundred and thirty, is hereby repealed, and in lieu thereof the following shall be substituted:—

Chief place of business to be in England with subordinate agencies in Canada and elsewhere.

“ From and after the passing of this Act the chief place of business of the Association shall be in the City of London in England; but the said Association shall from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies or subordinate Boards of Directors in any portion of this Province or in Great Britain and Ireland or in the United States of America, under such regulations for the management thereof, and to remove the same and to control or limit the powers thereof, from time to time, as to the Directors of the said Association shall seem meet.

Inconsistent enactments repealed.

2. So much of the said Act as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for in this Act other than such as is hereby made, shall be and the same is hereby repealed.

Board of Directors may be elected in England.

3. The Directors of the said Association for the time being, may authorize and empower by letter of attorney duly executed by them under their respective hands and seals, any person or persons in England to receive subscriptions for stock in the said undertaking, and to organize a meeting of stockholders, to elect a Board of Directors for the management of the business of the said Association in the City of London in England, to whom all the provisions of the said Act of incorporation shall apply; and the said London Board when chosen, shall be invested with all the powers mentioned in the said Act, and all the subsequent meetings for the election of succeeding Directors shall be held in London, and not elsewhere.

Powers of such Board, &c.

4. One week's notice shall be given of the first meeting for the election of Directors; by publication in the *London Daily Times* newspaper, after which the annual general meetings shall be held in the City of London at the time and in the manner provided for in the said Act.

Notice of such election.

Annual meetings.

5. The Board of Directors in London may apply for and obtain a Royal Charter of Incorporation or an Act of Incorporation by the Imperial Parliament, for the purposes and with all the powers and subject to the provisions set forth in the said above cited Act as amended by this Act.

English Directors may obtain a Royal Charter, &c.

6. Conveyances of real or personal estate situate in Canada or elsewhere out of England, may be made by one or more attorney or attorneys duly appointed by an instrument under the seal of the said Association, which shall be registered in the case of real estate in Canada, in the Registry office of the Riding or County where the property is situated; and the attorney or attorneys so authorized shall be described in the deed or deeds of conveyance as the party or parties representing the said Association in Canada, and the execution thereof by such attorney or attorneys in their own names and under their own seals shall be deemed sufficient to pass to the party or parties named, any estate, right, title, or claim which the said Association may have or hold in or to any real or personal estate whatsoever.

How conveyances of property in Canada may be made.

7. The expenses of obtaining this Act, and also the expenses which may be incurred in obtaining subscriptions of stock, and in organizing the said London Board, shall be a charge on the funds of the said Association, to be paid by order of the Directors.

Payment of expenses.

8. This Act shall be deemed a Public Act.

Public Act.

C A P . X L I X .

An Act to incorporate "The Lower Canada Investment and Agency Company," [Limited.]

[Assented to 15th October, 1863.]

WHEREAS The Right Honorable Viscount Torrington, the Right Honorable Lord Aylmer, Lawford Acland, John Elin, Chandos Wren Hoskyns, John Parson, James Roberts, Frederick Twynam, the Honorable Sir Narcisse Fortunat Belleau, the Honorable John Joseph Caldwell Abbott, William Workman, Henry Chapman, Henry Mulholland, the Honorable James Patton, John Crawford, Frederick W. Jarvis, George M. Hawke and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company: Therefore, Her Majesty, by and with

Preamble.

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

Certain persons and their associates incorporated.

1. The Right Honorable Viscount Torrington, the Right Honorable Lord Aylmer, Lawford Acland, John Elin, Chandos Wren Hoskyns, John Parson, James Roberts, Frederick Twynam, the Honorable Sir Narcisse Fortunat Belleau, the Honorable John Joseph Caldwell Abbott, William Workman, Henry Chapman, Henry Mulholland, the Honorable James Patton, John Crawford, Frederick W. Jarvis, George M. Hawke, and all and every other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The Lower Canada Investment and Agency Company, (Limited);" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all Court whether of law or equity whatsoever.

Corporate name and general powers.

Directors.

2. The said above named persons shall be the Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected, as hereinafter provided.

Powers and business of the company.

3. The Company are hereby empowered to lay out and invest their capital in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto ; and the remainder of such capital, or so much thereof as may from time to time be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say : the Company may from time to time lend and advance money by way of loan or otherwise, for periods of not less than one year, on the security of real estate, or of the public securities of the Province, or of the debentures of any Corporation issued under any statutory authority, or of the stock or shares of any incorporated bank in this Province, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, with power to do all acts that may be necessary for the advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, for the observance and fulfilment of any conditions annexed to such advances, or any forfeiture of any term or delay of payment consequent on the non-fulfilment thereof, and to give receipts and acquittances and discharges for the same, either absolutely and wholly, or partially, and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and

May make loans of money, and on what security, &c.

and apply the capital and property for the time being of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

4. The Company are hereby empowered to act as an Agency Association, and either on their own behalf or for the interest and on behalf of others, who shall intrust them with money for that purpose, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory, and the conditions of such loans and advances, may be enforced by the Company for their benefit, or for the benefit of the person or persons or Corporation for whom such money has been lent and advanced; and the Company shall have the same powers in respect of such loans and advances as are conferred upon them in respect of loans or advances made from their own capital; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every and any of the foregoing purposes, may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto.

Company may lend money and recover the same either on their own behalf or as agents for others.

May guarantee re-payment if they see fit.

5. The Directors may, from time to time, with the consent of the Company, in general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper, and the Directors may for that purpose make and execute any mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred pounds sterling each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities, or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient, provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the Company for the time being not paid up, and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Borrowing powers of company.

Securities to be given by them.

Total amount to be borrowed limited.

Power to hold lands for the transaction of their business or taken in satisfaction of debt.

6. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of one thousand pounds in all, or as being mortgaged or hypothecated to them may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same; Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.

Proviso: the latter to be sold within a certain time.

Company not to charge commission.

7. The Company shall not charge any Commission to the lender or borrower, or both, upon moneys invested on their behalf.

Form of conveyance by the company.

8. All conveyances to be made by the Company under or by virtue or in pursuance of the several powers and authorities given to it by this Act, may be made according to the form in the Schedule (A) to this Act annexed, or as near thereto as the circumstances will admit, and may be under seal, or before Notaries Public, as may be most in accordance with the laws of the portion of this Province within which the real estate intended to be conveyed shall be situate.

Effect of the word "grant" in such conveyance.

9. In any such conveyance of lands to be made by the Company, the word "grant" shall operate as express covenants by the Company, for themselves and their successors, with the respective grantees therein named, and the successors, heirs, executors, administrators and assigns of such grantees, according to the quality or nature of such grants and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, that is to say: A covenant that, notwithstanding any act or default done by the Company, they were at the time of the execution of such conveyance seized or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance, in fee simple, free from all incumbrances done or occasioned by them or otherwise, for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them; A covenant that the grantee of such lands, his heirs, successors, executors, administrators and assigns (as the case may be), shall quietly enjoy the same against the Company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the Company and their successors from all incumbrances created by the Company; A covenant for further assurance of such lands, at the expense of such grantee, his heirs, successors, executors, administrators or assigns (as the case may be), by the company or their successors, and all other persons claiming under them; and all such grantees and their several successors, heirs, executors, administrators and

Covenants imported by the said word.

and assigns, respectively, according to their respective quality or nature and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenant, as they might do if such covenant were expressly inserted in such conveyance.

10. Every mortgage and bond for securing money borrowed from the Company, shall be by deed, wherein the consideration shall be duly stated, and every such mortgage or bond may be according to the form in Schedule (B), to this Act annexed, or as near as circumstances will admit, and may be executed under seal or before Notaries Public, as shall be most in accordance with the laws of the portion of this Province within which the real estate intended to be mortgaged shall be situate; and in Lower Canada, obligations with *hypothèques* in favor of the Company, may be executed according to such form and in such manner as is now recognized by laws in that section of this Province, as being valid and effectual.

Form of mortgage and bond in favor of company.

11. The Company may stipulate for and may demand and receive in advance, half yearly, the interest from time to time accruing on any loans granted by the Company; but such rate of interest shall not in any case, whether the loan be made by the Company or effected through it as an agent, exceed, directly or indirectly, the rate of eight per centum per annum in advance as aforesaid; and may also receive an annual payment on any loans, by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company.

Company may demand and receive interest in advance, not exceeding 8 per cent.

12. A register of all securities held by the Company shall be kept, and within fourteen days after the taking of any security, an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the members, or by any person interested in any such security, without fee or reward.

Register of mortgages and bonds open to parties interested.

13. The capital of the Company shall be two hundred and fifty thousand pounds sterling, in shares of ten pounds each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with; the shares shall be numbered in arithmetical progression beginning with number one, and be respectively distinguished by the numbers affixed to them.

Capital and number of shares.

14. All shares in the capital of the Company shall be personal estate, and transmissible as such.

Shares to be personal estate.

Extent of liability of shareholders.

15. No member of the Company shall be liable for, or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Register of shareholders.

16. The Company shall keep in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered, from time to time, the following particulars :—the names and addresses, and the occupations, if any, of the members of the Company, and the number of shares held by each member, distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each member.

Who to be deemed members.

17. Every person who agrees to become a member of the Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Register to be deemed evidence.

18. The register of members shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Company not bound to regard trusts on stock.

19. Notice of any trust, expressed, implied or constructive, shall not be entered on the register, nor shall such notice in any way affect the Company.

Allotment of shares.

20. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the register of members in respect thereof accordingly.

Limitation of shares held by one person.

21. No person shall hold more than one thousand shares in the Company.

Certificate of shares.

22. Every member of the Company shall, on payment of one shilling, or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon, and on evidence to the satisfaction of the Directors being given that any such certificate is worn out, destroyed or lost, it may be renewed on payment of the sum of one shilling, or such less sum as the Directors shall prescribe, such a certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified.

Renewal of certificates.

Joint shareholders.

23. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and

all other matters connected with the Company (except transfer) be deemed the sole holder thereof; no share in the Company shall be subdivided.

24. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit, provided at twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same, but no call shall exceed the amount of one pound per share, and a period of three months at the least shall intervene between two successive calls.

Power to make calls.

Notice: calls limited.

25. Each member shall be liable to pay the amount of any call so made upon him to such person and at such time and place as the Directors shall appoint.

Liability to pay calls.

26. A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed, and if a shareholder shall fail to pay any call due from him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same, at the rate of ten pounds per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Interest on calls due and unpaid.

27. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for, and upon the moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares, in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding five pounds per cent. per annum as the member paying such sum in advance and the Directors shall agree upon.

Payment in advance.

Interest may be allowed.

28. There shall be a Book called the Register of Transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Register of transfers.

29. No transfer of shares shall be made without the consent and approval of the Directors.

Consent of Directors requisite.

30. Every instrument of transfer of any share in the Company shall be executed by the transferer and transferee, and the transferer shall be deemed to remain the holder of such share and a member of the Company in respect thereof, until the name of the transferee shall be entered in the Register of members in respect thereof.

Execution of transfer.

31. Shares in the Company shall be transferred in the form in the Schedule (C) to this Act annexed.

Form of transfer.

Arrears must be first paid.

32. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Shares of deceased members.

33. The executors or administrators of any deceased member shall be the only persons recognised by the Company as having any title to his share.

Bankruptcy, marriage of female members, &c.

34. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request, in writing, in that behalf, signed by him (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

Nominee of representative of deceased, &c.

35. Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person, to be named by him, registered as a member in respect of such share.

Transfer to such nominee.

36. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

Evidence of transfer.

37. Every such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require to prove the title of the transferor, and shall be retained by the Company.

Transfer by personal representative.

38. Any transfer of the share or other interest of a deceased member made by his personal representative shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer.

Liability to forfeiture for non-payment of calls.

39. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect

Notice:

respect of which such call was made will be liable to be forfeited.

40. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given may, at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect. Forfeiture of share.

41. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted or otherwise disposed of, upon such terms, in such manner, and to such person or persons as the Company shall think fit. Disposal of forfeited share.

42. Any member whose shares shall have been forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company, all calls, interest and expenses owing upon such shares at the time of the forfeiture. Liability to payment of arrears.

43. A declaration in writing by a local Director or the Secretary of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration, and the receipt of the Company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the registers of members in respect thereof, and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale. Evidence of forfeiture.

44. There shall be paid in respect of every transfer or transmission of shares such a fee not exceeding two shillings and six pence, as the Directors shall from time to time prescribe. Transfer by company to party purchasing forfeited share.

45. The Directors may, with the previous sanction of the Company in general meeting, convert any paid up shares into stock. Fee on transfers.

46. When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations in and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit. Conversion of shares into stock.

47. The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according Transfers of stock.

according to the amount of their respective interests in such stock, and such interest shall, in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages, for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges or advantages except the participation in the dividends and profits of the Company shall be conferred by any such aliquot part of stock as would not if existing in shares have conferred such privileges or advantages.

Application of provisions of this Act to stock.

48. On the conversion of any shares into stock all the provisions to this Act applicable to shares only, shall cease as to so much of the capital as is converted into stock, and the register of members shall show the amount of stock held by each member instead of the amount of shares and particulars relative thereto.

Reservation of shares.

49. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them from time to time as and when they shall think proper.

Issue of reserved shares to present members in proportion to their stock.

50. The shares which may be so reserved by the Directors, shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and after the expiration of such time or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Powers of Directors.

51. The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least one hundred shares of the stock of the Company, and of such local Directors as may be appointed from time to time by the Directors, who, in addition to the powers and authorities by any Imperial Act of Parliament affecting the Company, or by this Act or by any other Act of the Canadian Legislature expressly conferred upon them—may exercise all such powers, give all such consents, make all such arrangements and agreements, and generally do all such acts and things as are, or shall be, by any By-laws of the Company, or articles of association directed to be authorized, given, made or done by the Company, and are not thereby expressly directed to be exercised, given, made or done by the Company in general meeting, but subject nevertheless to the provisions of such Acts,

To be in addition to powers under any Imperial Act.

Acts, By-laws and articles, and subject also to such (if any) regulation as may from time to time be prescribed by the Company, in general meeting; but no regulation made by the Company, in general meeting, shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

52. The Directors may, from time to time, appoint one or more of any local Directors to accept and hold any lands or property in trust for the Company, and to cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person so appointed, and they may from time to time remove any such person or persons and appoint another or others instead.

Power to appoint trustees.

53. The acts of the Directors, or of any committee appointed by the Directors or of any local Directors shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Director or member of any such committee or local Director, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director or local Director.

Validity of acts of Directors.

54. Every Director of the Company and every Local Director, and his heirs, executors and administrators, and estate and effects respectively shall, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs charges, and expenses whatsoever, which he shall or may sustain or incur, in or about any action, suit or proceeding, which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses, which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Indemnity to Directors and local Directors.

Exception as to wilful neglect or default.

55. Every Director of the Company and every local Director, and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-directors, or for the local Directors, or any or either of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors be answerable collectively or individually for acts or defaults of Local Directors, or Local Directors for acts or faults of the Directors; nor shall the Directors or Local Directors, or any of them respectively, be answerable or accountable for any person or persons who may be appointed under or by virtue of any such Act, By-laws or Articles of Association as aforesaid,

Directors and local Directors answerable for their own acts only.

Not liable for persons acting under them; insufficiency of security, &c.

or otherwise, under and by virtue of the rules and regulations of the Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company; nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director or Local Director be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director or Local Director, or in relation therein, unless the same shall happen through his own wilful neglect or default.

Exception as to wilful default.

Division of profits of Company.

56. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet*: There shall in the first place be set apart for the purpose of forming a Reserve Fund to meet contingencies, or for equalising dividends, such sum not less in any year than two and a half per centum upon the net profits of the business of such year as the Directors shall from time to time think fit, and the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in general meeting shall determine.

Investment of reserved funds.

57. The Directors may, from time to time, invest the sum set apart as a Reserve Fund, on such good and convertible securities as they in their discretion may select.

Dividend not to reduce capital.

58. The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

Deduction of calls out of dividends.

59. The Directors may deduct from the dividends payable to any member, all such sums of money as may be due from him to the Company, on account of calls or otherwise.

Notice of dividend.

60. Notice of any dividend that may have been declared shall be given to each member, and no dividend shall bear interest against the Company.

Chief office in Montreal.

61. The Company shall at all times have an office in Montreal, which shall be the legal domicile of the said Company in Canada, and notice of the situation of that office, and of any change therein, shall be advertized in the *Canada Gazette*, and they may establish such other offices and agencies elsewhere in Lower Canada, and also in Upper Canada, as they may deem expedient.

Agencies.

- 62.** Any summons, notice, order or other document, required to be served upon the Company, may be served by leaving the same at the said office in Montreal, with any grown person in the employ of the Company. Service of notices on company.
- 63.** Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Local Director, Secretary, or other authorized officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print. Authentication of notices by the company.
- 64.** Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post in prepaid letters, addressed to the members at their registered places of abode. Service of notices by the company.
- 65.** A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed, and was put into the Post Office, and the time when it was put in, and the time requisite for its delivery, in the ordinary course of post. Notices to members sent by post.
- 66.** All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of members, and notice so given shall be deemed sufficient notice to all the proprietors of such share. Notices to joint shareholders.
- 67.** Every person, who by operation of law, transfer, or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice, which, previously to his name and address being entered upon the register of members in respect of share, shall have been given to the person from whom he shall derive his title. Notices binding on transferees.
- 68.** The appointment or election of Directors and Officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other Officers, and the proceedings at meetings of the Company, and of the Directors, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities as may be set forth and directed in and by by-laws of the Company, passed from time to time at any general meeting of the Company. Appointment and election of Directors and officers to be subject to By-laws.

Provision if the company is incorporated in England.

69. Provided that if the Company is incorporated in England, as a Company limited by shares under the Imperial Act of Parliament, called "The Companies' Act, 1862," by means of the registration of a memorandum of association, accompanied by articles of association, then the appointment or election of future Directors and other Officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company and of the Directors, and all other things relative to the Company, and its business not expressly in this Act provided for, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities as shall be set forth and directed in and by such articles of association, in so far as the same do not conflict with the provisions of this Act, or with the laws of this province.

What may be provided by articles of association in such case.

70. Any such by-laws or articles of association may provide that the whole or any number of the Directors may be resident in Great Britain or in Canada, as may be most desirable, and may make provision, not inconsistent with this Act, respecting the appointment, tenure of office, duties and powers of Directors and Local Directors, and nothing herein contained shall be construed to render it imperative for the Directors to be resident or to hold their meetings in Canada, or to render shareholders resident in Great Britain ineligible as Directors.

Declaration in actions against members.

71. In any action to be brought by the Company against any member, to recover any money due by him in his character as member for any call, or on any account, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a member of the Company, and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act.

What matters only need be proved in action for calls.

72. On the trial of any such action for the recovery of money due for a call, it shall be sufficient to prove that the defendant, at the time of the making of such call, was a member of the Company, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.

Releases to witnesses.

73. In all legal proceedings under this Act, general or other releases, for the purpose of qualifying any person in the service of the Company to give evidence as a witness, may be granted by any two or more of the Directors or Local Directors; and every

every such release or discharge, under the hands and seals of two of the Directors or Local Directors, shall be as effectual for the purpose aforesaid as if made under the common seal of the Company.

74. In case any fiat in bankruptcy shall be awarded against any person who shall be indebted to the Company, or against whom the Company shall have any claim or demand, it shall be lawful for any person who shall from time to time in that behalf be appointed, by writing, under the hands of any three or more of the Directors or Local Directors of the Company, for the time being, to appear, and he is hereby authorized to appear, and act on behalf of the Company in respect of any such claim, debt or demand, before the Commissioners, under any such fiat in bankruptcy, either personally or by his affidavit, sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand under such fiat; and such person to be so appointed shall in all such cases be admitted and allowed to make proof, or tender a claim under any such commission on behalf of the Company, in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees, and signing certificates and otherwise in respect of any such debt admitted to be proved on behalf of the Company, as any other person, being a creditor of such bankrupt in his own right, would have in respect of the debt proved by him under such fiat.

Who may prove claims by the company in cases of bankruptcy.

Powers of persons so proving any claim of the company.

75. Notwithstanding anything in this Act contained, every deed which any person lawfully empowered in that behalf by the company as their attorney, signs on behalf of the Company, and seals with his seal, shall be binding on the Company, and have the same effect as if it was under the common seal of the Company.

Acts of company's agents valid.

76. The Company shall furnish, annually, to the Governor, or to either branch of the Legislature, a statement of their assets and liabilities, with the amount of their investments in this Province, and the average rate of interest derived therefrom, the extent and value of the lands held by them, or for which they are acting as agents, and such other information as may be so called for; Provided always that the Company shall not, in any case, be called upon to disclose the names or private affairs of any persons who may have dealings with them.

Annual statement to be made by the company to the legislature.

77. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing

Interpretation clause.

Number.

Gender.

Month. importing the masculine gender shall include the females—the word “month” shall mean calendar month—the expression “Superior Courts” shall mean Her Majesty’s Superior Courts of Record in the Province of Canada, or at Westminster or Dublin, as the case may require—the word “oath” shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of other persons exempted by law from the necessity of taking an oath—the word “Secretary” shall include the word “Clerk”—the word “lands” shall extend to messuages, lands, tenements and hereditaments of any tenure—the word “Justice” shall mean “Justice of the Peace for the county, city, liberty or place in England or Canada, where the matter requiring the cognizance of any Justice shall arise, and who shall not be interested in the matter, and where the matter shall arise in respect of lands being the property of one and the same party, shall not wholly in any one county, city, liberty or place where any part of such lands shall be situate, and who shall not be interested in such matter;” the expression “The Company” shall mean the Lower Canada Investment and Agency Company, (Limited), in this Act mentioned and described; the expression “The Directors” and “The Secretary,” shall mean the Directors and the Secretary respectively, for the time being, of the said Company.

Public Act. **78.** This Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE A.

Form of Conveyance.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here set forth the title of this Act.*) We, the Lower Canada Investment and Agency Company (Limited) in consideration of the sum of £ _____ to us paid by A. B., of _____ do hereby grant to the said A. B., his heirs and assigns all (describing the premises to be conveyed), together with all the ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same, as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the Common Seal of the said Company, this _____ day of _____, in the year of Our Lord

SCHEDULE B.

Form of a Mortgage Deed.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act.*) I, A. B., of _____, in consideration of the sum of £ _____, paid to me by the Lower Canada Investment and Agency Company, (Limited,) do hereby pursuant to the said Act, convey to the said Company, their successors and assigns all (*describing the real or personal property to be conveyed*) and all such estate, right, title and interest, in and to the same as I am or shall become or be possessed of; To hold the same to the said Company, their successors and assigns for ever, subject to redemption, on payment to the said Company, their successors or assigns, of the said sum of £ _____, on the _____ day of _____, 18____, with interest for the same at the rate of £ _____ for every £100, by the year, payable half yearly on the _____ day of _____, and the _____ day of _____ in every year, (*add any special powers which may be agreed on.*)

In witness whereof I have hereunto set my hand and seal, the _____ day of _____, in the year of Our Lord

FORM OF BOND.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act.*) I, A. B., in consideration of the sum of £ _____, to me in hand paid by the "Lower Canada Investment and Agency Company," (Limited,) am held and firmly bound to the said Company, their successors and assigns, in the penal sum of £ _____, to be paid to the said Company, their successors and assigns.

The condition of the above obligation is such, that if the said A. B., his heirs, executors or administrators, shall pay to the said Company, their successors or assigns, on the _____ day of _____, which will be in the year 18____, the principal sum of £ _____, together with the interest for the same, at the rate of £ _____ per centum per annum, payable half-yearly, on the _____ day of _____, and the _____ day of _____, then the above written obligation is to become void, otherwise to remain in full force and virtue.

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year of Our Lord

SCHEDULE C.

INSTRUMENT OF TRANSFER OF SHARE.

Lower Canada Investment and Agency Company, (Limited.)

I, (A. B.) of _____, in consideration of the sum of £ _____, paid to me by (C. D.) of _____, do, by this writing, transfer to the said (C. D.) the share (or shares) No. _____, now standing in my name in the books of the above named Company, to hold to him his executors, administrators and assigns, subject to the conditions on which I now hold the same. And I, the said (C. D.) do, by this writing, accept the said share (or shares) subject to the conditions aforesaid, and agree to become a member of the said Company; as witness our respective hands this _____ day of _____, 186_____.

A. B.
C. D.

Signed by the above named A. B. and C. D. respectively, in the presence of _____, (N. O., with description and address.)

C A P. L.

An Act to incorporate "The London and Canadian Loan and Agency Company," (Limited.)

[Assented to 15th October, 1863.]

Preamble.

WHEREAS William Gooderham, the Honorable William McMaster, the Honorable John McMurrich, the Honorable John Simpson, the Honorable Alexander Campbell, Alexander Murray, Caldwell Ashworth, Charles J. Campbell, the Honorable James Patton and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons and their associates incorporated.

1. William Gooderham, the Honorable William McMaster, the Honorable John McMurrich, the Honorable John Simpson, the Honorable Alexander Campbell, Alexander Murray, Caldwell Ashworth, Charles J. Campbell, the Honorable James Patton, and all and every other person and persons, body and bodies politic, who shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The London and Canadian Loan and Agency Company," (Limited); and by that name shall have perpetual succession and a common seal, with power to break

Corporate name and general powers.

break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts, whether of law or equity whatsoever.

2. The said above named persons shall be the Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected, as hereinafter provided.

3. The Company are hereby empowered to lay out and invest their capital in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital or so much thereof as may from time to time be deemed necessary in the manner and for the purposes hereinafter mentioned, that is to say: the Company may, from time to time, lend and advance money by way of loan or otherwise, for periods of not less than one year, on the security of real estate, or of the public securities of the Province, or of the debentures of any Corporation issued under any statutory authority, or of the stock or shares of any incorporated bank in this Province, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, with power to do all acts that may be necessary for the advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, for the observance and fulfilment of any conditions annexed to such advances, or any forfeiture of any term or delay of payment consequent on the non-fulfilment thereof, and to give receipts and acquittances and discharges for the same, either absolutely and wholly, or partially; and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

4. The Company are hereby empowered to act as an Agency Association, and either on their own behalf or for the interest and on behalf of others, who shall intrust them with money for that purpose, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, upon such terms upon such security as to the Company shall appear satisfactory; and the conditions of such loans and advances may be enforced by the Company for their benefit, or for the benefit of the person

Powers and business of the company.

May make loans of money, and on what security, &c.

Company may lend money and recover the same either on their own behalf or as agents for others.

or persons or corporation for whom such money has been lent and advanced; and the Company shall have the same powers in respect of such loans and advances as are conferred upon them in respect of loans or advances made from their own capital; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every and any of the foregoing purposes, may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto.

May guarantee re-payment, if they see fit.

Borrowing powers of company.

Securities to be given by them.

Total amount to be borrowed limited.

Power to hold lands for the transaction of their business or taken in satisfaction of debt.

Proviso: the latter to be sold within a certain time.

Company not to charge commission.

Form of conveyance by the company.

5. The Directors may from time to time, with the consent of the Company in general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may, for that purpose, make and execute any mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred pounds sterling each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient, provided that the aggregate of the sum or sums so borrowed shall not any time exceed the amount of the subscribed capital of the Company for the time being not paid up; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

6. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of one thousand pounds in all, or as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease, or otherwise dispose of the same; Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.

7. The Company shall not charge any commission to the lender or borrower, or both, upon moneys invested on their behalf.

8. All conveyances to be made by the Company under or by virtue or in pursuance of the several powers and authorities given

given to it by this Act, may be made according to the form in the Schedule (A) to this Act annexed, or as near thereto as the circumstances will admit, and may be under seal, or before Notaries Public, as may be most in accordance with the laws of the portion of this Province within which the real estate intended to be conveyed shall be situate.

9. In any such conveyance of lands to be made by the Company, the word "grant" shall operate as express covenants by the Company, for themselves and their successors, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, that is to say: A covenant that, notwithstanding any act or default done by the Company, they were at the time of the execution of such conveyance seized or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance, in fee-simple, free from all incumbrances done or occasioned by them or otherwise, for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them; A covenant that the grantee of such lands, his heirs, successors, executors, administrators, and assigns (as the case may be), shall quietly enjoy the same against the Company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the Company and their successors from all incumbrances created by the Company; A covenant for further assurance of such lands, at the expense of such grantee, his heirs, successors, executors, administrators, or assigns (as the case may be), by the Company or their successors, and all other persons claiming under them; and all such grantees and their several successors, heirs, executors, administrators, and assigns, respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenant, as they might do if such covenant were expressly inserted in such conveyance.

Effect of the word "grant" in such conveyance.

Covenants imported by the said word.

10. Every mortgage and bond for securing money borrowed from the Company shall be by deed, wherein the consideration shall be duly stated; and every such mortgage or bond may be according to the form in Schedule (B), to this Act annexed, or as near as circumstances will admit, and may be executed under seal or before Notaries Public, as shall be most in accordance with the laws of the portion of this Province within which the real estate intended to be mortgaged shall be situate; and in Lower Canada, obligations with *hypothèques* in favor of the Company may be executed according to such form and in such manner as is now recognized by law in that section of this Province, as being valid and effectual.

Form of mortgage and bond in favor of company.

Company may demand and receive interest in advance, not exceeding 5 per cent.

11. The Company may stipulate for and may demand and receive in advance, half yearly, the interest from time to time accruing on any loans granted by the Company ; but such rate of interest shall not in any case, whether the loan be made by the Company or effected through it as an agency, exceed, directly or indirectly, the rate of eight per centum per annum, in advance as aforesaid ; and may also receive an annual payment on any loans, by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company.

Register of mortgages and bonds open to parties interested.

12. A register of all securities held by the Company shall be kept ; and within fourteen days after the taking of any security, an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto with their proper additions, shall be made in such register ; and such register may be perused at all reasonable times by any of the members, or by any person interested in any such security, without fee or reward.

Capital and number of shares.

13. The capital of the Company shall be two hundred and fifty thousand pounds sterling, in shares of ten pounds sterling each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with ; the shares shall be numbered in arithmetical progression beginning with number one, and be respectively distinguished by the numbers affixed to them.

Shares to be personal estate.

14. All shares in the capital of the Company shall be personal estate and transmissible as such.

Extent of liability of shareholders.

15. No member of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Register of shareholders.

16. The Company shall keep in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered from time to time, the following particulars :—the names and addresses, and the occupations, if any, of the members of the Company, and the number of shares held by each member, distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each member.

Who to be deemed members.

17. Every person who agrees to become a member of the Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Register to be deemed evidence.

18. The register of members shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

19. Notice of any trust, expressed, implied, or constructive, shall not be entered on the register, nor shall such notice in any way affect the Company. Company not bound to regard trusts on stock.

20. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the register of members in respect thereof accordingly. Allotment of shares.

21. No person shall hold more than one thousand shares in the Company. Limitation of shares held by one person.

22. Every member of the Company shall, on payment of one shilling, or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon; and on evidence to the satisfaction of the Directors being given that any such certificate is worn out, destroyed, or lost, it may be renewed on payment of the sum of one shilling, or such less sum as the Directors shall prescribe; such certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified. Certificate of shares. Renewal of certificates.

23. If any share stands in the name of two or more persons, the first named in the register of such person shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer) be deemed the sole holder thereof; no share in the Company shall be subdivided. Joint share-holders.

24. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit, provided that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same; but no call shall exceed the amount of one pound sterling per share, and a period of three months at the least shall intervene between two successive calls. Power to make calls. Notice: calls limited.

25. Each member shall be liable to pay the amount of any call so made upon him to such person and at such time and place as the Directors shall appoint. Liability to pay calls.

26. A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same, at the rate of ten per Interest on calls due and unpaid.

per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Payment in
advance.

27. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding five per cent per annum as the member paying such sum in advance and the Directors shall agree upon.

Interest may
be allowed.

Register of
transfers.

28. There shall be a Book called the Register of Transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Consent of
Directors
requisite.

29. No transfer of shares shall be made without the consent and approval of the Directors

Execution of
transfer.

30. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share and a member of the Company in respect thereof, until the name of the transferee shall be entered in the Register of members in respect thereof.

Form of
transfer.

31. Shares in the Company shall be transferred in the form in the Schedule (C) to this Act annexed.

Arrears must be
first paid.

32. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Shares of
deceased
members.

33. The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share.

Bankruptcy,
marriage of
female mem-
bers, &c.

34. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request, in writing, in that behalf, signed by him (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

Nominee of
representative
of deceased,
&c.

35. Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member,
may,

may, instead of being registered himself, elect to have some person, to be named by him, registered as a member in respect of such share.

36. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share. Transfer to such nominee

37. Every such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require to prove the title of the transferrer, and shall be retained by the Company. Evidence of transfer.

38. Any transfer of the share or other interest of a deceased member made by his personal representative shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer. Transfer by personal representative.

39. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited. Liability to forfeiture for non-payment of calls.

40. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given may, at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect. Notice.

41. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted, or otherwise disposed of, upon such terms, in such manner, and to such person or persons as the Company shall think fit. Forfeiture of share.

42. Any member whose shares shall have been forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company, all calls, interest and expenses owing upon such shares at the time of the forfeiture. Disposal of forfeited share.

43. A declaration in writing by a local Director or the Secretary of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was Liability to payment of arrears.

was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share; and such declaration and the receipt of the Company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the registers of members in respect thereof, and he shall not be bound to inquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Transfer by company to party purchasing forfeited share.

Fee on transfers.

44. There shall be paid in respect of every transfer or transmission of shares such a fee, not exceeding two shillings and six pence, as the Directors shall from time to time prescribe.

Conversion of shares into stock.

45. The Directors may, with the previous sanction of the Company in general meeting, convert any paid up shares into stock.

Transfers of stock.

46. When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations in and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

Rights of stockholder as to dividends, &c.

47. The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to the amount of their respective interests in such stock, and such interest shall in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages, for the purpose of voting at all meetings of the Company and for other purposes as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of stock as would not if existing in shares have conferred such privileges or advantages.

Applications of provisions of this Act to stock.

48. On the conversion of any shares into stock all the provisions of this Act applicable to shares only shall cease as to so much of the capital as is converted into stock, and the register of members shall show the amount of stock held by each member instead of the amount of shares and particulars relative thereto.

Reservation of shares.

49. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until

until such further time as they shall think expedient, and may issue any portion of them from time to time as and when they shall think proper.

50. The shares which may be so reserved by the Directors, shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Issue of reserved shares to present members in proportion to their stock.

51. The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least one hundred shares of the stock of the Company, and by such local Directors as may be appointed from time to time by the Directors, who—in addition to the powers and authorities by any Imperial Act of Parliament affecting the Company, or by this Act or by any other Act of the Canadian Legislature expressly conferred upon them—may exercise all such powers, give all such consents; make all such arrangements and agreements, and generally do all such acts and things as are, or shall be, by any By-laws of the Company or articles of association directed to be authorized, given, made or done by the Company, and are not thereby expressly directed to be exercised, given, made or done by the Company in general meeting, but subject nevertheless to the provisions of such Acts, By-laws and Articles, and subject also to such (if any) regulation as may from time to time be prescribed by the Company, in general meeting; but no regulation made by the company, in general meeting, shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Powers of Directors.

To be in addition to powers under any Imperial Act.

52. The Directors may, from time to time, appoint one or more of any local Directors to accept and hold any lands or property in trust for the Company, and to cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person so appointed, and they may from time to time remove any such person or persons and appoint another or others instead.

Power to appoint trustees.

53. The acts of the Directors, or of any committee appointed by the Directors or of any local Directors shall, notwithstanding if be afterwards discovered that there was some defect in the appointment of any such Director or member of any such committee or local Director, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director or local Director.

Validity of acts of Director.

Indemnity
to Directors
and local
Directors.

54. Every Director of the Company and every Local Director, and his heirs, executors and administrators, and estate and effects respectively, shall, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever, which he shall or may sustain or incur in or about any action, suit of proceeding, which shall be brought, commenced, or prosecuted against him, for or in respect of any act, deed, matter, or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses, which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Exception as to
wilful neglect
or default.

Directors and
local Directors
answerable for
their own acts
only.

55. Every Director of the Company and every local Director, and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-directors, or for the local directors, or any or either of them, but each of them for his own acts, deeds and defaults only, nor shall the Directors be answerable collectively or individually for acts or defaults of Local Directors, or Local Directors for acts or defaults of the Directors; nor shall the Directors or Local Directors, or any of them respectively, be answerable or accountable for, any person or persons who may be appointed under or by virtue of any such Act, By-laws or Articles of association as aforesaid, or otherwise, under and by virtue of the rules and regulations of the Company for the time being in force, to collect or receive any moneys payable to the company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken, or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director or Local Director be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director or Local Director, or in relation thereto, unless the same shall happen through his own wilful neglect or default.

Not liable for
persons acting
under them,
insufficiency of
security, &c.

Exception as
to wilful de-
fault.

Division of
profits of
company.

56. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet*: there shall in the first place be set apart for the purpose of forming a Reserve Fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two and a half per centum upon the net profits of the business of such year as the Directors shall from time to time think fit, and the

the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in General Meeting, shall determine.

57. The Directors may, from time to time, invest the sum set apart as a Reserve Fund on such good and convertible securities as they in their discretion may select. Investment of reserved funds.

58. The Company shall not make any dividend whereby their capital stock will be in any degree reduced. Dividend not to reduce capital.

59. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise. Deduction of calls out of dividends.

60. Notice of any dividend that may have been declared shall be given to each member; and no dividend shall bear interest against the Company. Notice of dividend.

61. The Company shall at all times have an office in Toronto, which shall be the legal domicile of the said Company in Canada, and notice of the situation of that office, and of any change therein, shall be advertized in the *Canada Gazette*, and they may establish such other offices and agencies elsewhere in Upper Canada, and also in Lower Canada as they may deem expedient. Chief office in Toronto; Agencies elsewhere.

62. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving the same at the said office in Toronto, with any grown person in the employ of the Company. Service of notices on company.

63. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Local Director, Secretary or other authorized officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print. Authentication of notices by the company.

64. Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post, in prepaid letters, addressed to the members at their registered places of abode. Service of notices by the company.

65. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed, and was put into the Post Office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. Notices to members sent by post.

Notices to joint shareholders.

66. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of members; and notice so given shall be deemed sufficient notice to all the proprietors of such share.

Notices binding on transferees.

67. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice, which previously to his name and address being entered upon the register of members in respect of such share, shall have been given to the person from whom he shall derive his title.

Appointment and election of Directors and officers to be subject to By-laws.

68. The appointment or election of Directors and Officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors, shall be subject to and regulated by such rules, regulations and provisions; and meetings of the Company and of the Directors shall have such powers, privileges and authorities, as may be set forth and directed, in and by by-laws of the Company, passed from time to time, at any general meeting of the Company.

Provision if the company is incorporated in England.

69. Provided that if the Company is incorporated in England, as a Company limited by shares under the Imperial Act of Parliament, called "The Companies' Act, 1862," by means of the registration of a memorandum of association, accompanied by articles of association, then the appointment or election of future Directors and other officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company and of the Directors, and all other things relative to the Company, and its business not expressly in this Act provided for, shall be subject to and regulated by such rules, regulations and provisions; and meetings of the Company and of the Directors shall have such powers, privileges and authorities as shall be set forth and directed in and by such articles of association, in so far as the same do not conflict with the provisions of this Act, or with the laws of this Province.

What may be provided by articles of association in such case.

70. Any such by-laws or articles of association may provide that the whole or any number of the Directors may be resident in Great Britain or in Canada, as may be most desirable, and may make provision, not inconsistent with this Act, respecting the appointment, tenure of office, duties and powers of Directors and Local Directors, and nothing herein contained shall be construed to render it imperative for the Directors to be resident or to hold their meetings in Canada, or to render shareholders resident in Great Britain ineligible as Directors.

71. In any action to be brought by the Company against any member to recover any money due by him in his character as member for any call, or on any account, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a member of the Company, and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act.

Declaration in actions against members.

72. On the trial of any such action for the recovery of money due for a call, it shall be sufficient to prove that the defendant, at the time of the making of such call, was a member of the Company, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.

What matters only need be proved in action for calls.

73. In all legal proceedings under this Act, general or other releases, for the purpose of qualifying any person in the service of the Company, to give evidence as a witness, may be granted by any two or more of the Directors or Local Directors; and every such release or discharge, under the hands and seals of two of the Directors or Local Directors, shall be as effectual for the purpose aforesaid as if made under the common seal of the Company.

Releases to witnesses.

74. In case any *fiat* in bankruptcy shall be awarded against any person who shall be indebted to the Company, or against whom the Company shall have any claim or demand, it shall be lawful for any person, who shall from time to time in that behalf be appointed, by writing, under the hands of any three or more of the Directors or Local Directors of the Company, for the time being, to appear, and he is hereby authorized to appear, and act on behalf of the Company in respect of any such claim, debt or demand, before the Commissioners, under any such *fiat* in bankruptcy, either personally or by his affidavit, sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand under such *fiat*; and such person to be so appointed shall in all such cases be admitted and allowed to make proof, or tender a claim under any such commission on behalf of the Company in respect of such debt, claim, or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees, and signing certificates and otherwise in respect of any such debt admitted to be proved on behalf of the Company, as any other person, being a creditor of such bankrupt in his own right, would have in respect of the debt proved by him under such *fiat*.

Who may prove claims by the company in cases of bankruptcy.

Powers of person so proving any claim of the company.

Acts of company's agents valid.

75. Notwithstanding anything in this Act contained, every deed which any person lawfully empowered in that behalf by the Company as their attorney, signs on behalf of the Company, and seals with his seal, shall be binding on the Company, and have the same effect as if it was under the common seal of the Company.

Annual statement to be made by the company to the Legislature.

76. The Company shall furnish, annually, to the Governor, or to either branch of the Legislature, a statement of their assets and liabilities, with the amount of their investments in this province, and the average rate of interest derived therefrom, the extent and value of the lands held by them, or for which they are acting as agents, and such other information as may be so called for; Provided always, that the Company shall not, in any case, be called upon to disclose the names or private affairs of any persons who may have dealings with them.

Interpretation clause.

Number.

Gender.

Month.

Superior Courts.

Oath.

Secretary.

Lands.

Justice.

* *Sic.*

The Company.

Directors and Secretary.

Public Act.

77. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females—the word “month” shall mean calendar month—the expression “Superior Courts” shall mean Her Majesty’s Superior Courts of Record in the Province of Canada, or at Westminster or Dublin, as the case may require—the word “oath” shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of other persons exempted by law from the necessity of taking an oath—the word “Secretary” shall include the word “Clerk”—the word “lands” shall extend to messuages, lands, tenements, and hereditaments, of any tenure—the word “Justice” shall mean “Justice of the Peace for the county, city, liberty, or place in England or Canada, where the matter requiring the cognizance of any Justice shall arise, and who shall not be interested in the matter, and where the matter shall arise in respect of lands being the property of one and the same party, shall not wholly* in any one county, city, liberty, or place where any part of such lands shall be situate, and who shall not be interested in such matter;” the expression “the Company” shall mean the London and Canadian Loan and Agency Company, (Limited), in this Act mentioned and described; the expression “the Directors” and “the Secretary,” shall mean the Directors and the Secretary respectively, for the time being, of the said Company.

78. This Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE A.

Form of Conveyance.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here set forth the title of this Act.*) We, the London and Canadian Loan and Agency Company (Limited) in consideration of the sum of £ _____ to us paid by A. B., of _____ do hereby grant to the said A. B., his heirs and assigns all (*describing the premises to be conveyed*), together with all the ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same, as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the Common Seal of the said Company, this
day of _____ in the year of our Lord

SCHEDULE B.

Form of a Mortgage Deed.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act*), I, A. B., of _____ in consideration of the sum of £ _____ paid to me by the London and Canadian Loan and Agency Company, (Limited), do hereby pursuant to the said Act, convey to the said Company, their successors and assigns all (*describing the real or personal property to be conveyed*) and all such estate, right, title and interest, in and to the same as I am or shall become or be possessed of: To hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of £ _____ on the _____ day of _____ eighteen _____ with interest for the same at the rate of £ _____ for every one hundred pounds, by the year, payable half yearly on the _____ day of _____ and the _____ day of _____ in every year, (*add any special powers which may be agreed on.*)

In witness whereof I have hereunto set my hand and seal,
the _____ day of _____ in the year of our Lord

FORM OF BOND.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here*

(*here insert the title of this Act.*) I, A. B., in consideration of the sum of £ , to me in hand paid by the London and Canadian Loan and Agency Company, (Limited), am held and firmly bound to the said Company, their successors and assigns, in the penal sum of £ , to be paid to the said Company, their successors and assigns.

The condition of the above obligation is such, that if the said A. B., his heirs, executors or administrators, shall pay to the said Company, their successors or assigns, on the day of , which will be in the year one thousand eight hundred and , the principal sum of £ together with the interest for the same, at the rate of per centum per annum, payable half-yearly, on the day of , and the day of , then the above written obligation is to become void, otherwise, to remain in full force and virtue.

In witness whereof I have hereunto set my hand and seal, the day of , in the year of our Lord,

SCHEDULE C.

INSTRUMENT OF TRANSFER OF SHARE.

London and Canadian Loan and Agency Company, (Limited.)

I (A. B.) of , in consideration of the sum of £ paid to me by (C. D.) of , do, by this writing, transfer to the said (C. D.) the share (or shares) number now standing in my name in the books of the above named Company, to hold to him his executors, administrators and assigns, subject to the conditions on which I now hold the same; and I, the said (C. D.), do, by this writing accept the said share (or shares) subject to the conditions aforesaid and agree to become a member of the said Company: as witness our respective hands this day of , one thousand eight hundred and sixty-

A. B.

C. D.

Signed by the above named A. B. and C. D. respectively, in the presence of (N. O. with description and address.)

C A P . L I .

An Act to incorporate "The Accident Assurance Company."

[Assented to 15th October, 1863.]

WHEREAS the persons whose names are hereinafter mentioned have by their petition prayed that they may be incorporated for the purpose of establishing an Assurance Company in the city of Toronto, and elsewhere, for effecting Insurances against Railway accidents, and accidents and casualties which may happen from any cause whatever, and for enabling mechanics, artizans, and others employed in hazardous pursuits and trades, where liability to accident is incurred, and who may desire in case of sickness by the payment of a certain sum monthly, yearly, or otherwise, to secure to themselves in case of being in any way disabled by accident or sickness, a certain fixed sum or weekly or monthly allowance, to be paid during such illness, or in case of death, a certain sum to be paid to their representatives; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. William Botsford Jarvis, Casimir Stanislaus Gzowski, Lewis Moffatt, Frederick W. Cumberland, Robert Cassells, John George Bowes, William F. McMaster, and John Worthington, of the city of Toronto, Charles J. Brydges, of the city of Montreal, and James Bell Forsyth, of the city of Quebec, and such other persons as may become shareholders in the Company, to be by this Act created, shall be and they are hereby constituted and declared to be a body corporate and politic for the purpose herein mentioned, under the name of "The Accident Assurance Company," and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may by such name sue and be sued, implead and be impleaded, in all courts of Law and in Equity, and shall have power to acquire and hold, for their own use and occupation only, such real estate as shall be necessary for the management of their business or such as may be mortgaged to them in security for debts contracted to them or purchased at sales upon judgments obtained for such debts, and may sell and dispose of the same, and may make all such rules, regulations and by-laws, as to them shall seem meet and necessary for the due management of the affairs of the said Company (such by-laws and regulations not being inconsistent with this Act or contrary to the laws of the province.)

2. The capital stock of the said Company shall be four hundred thousand dollars, and shall be divided into ten thousand shares of forty dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same.

When the company may commence business.

Payment of capital in full.

Payment of shares by instalments.

Proviso: ten per cent to be paid down.

Limited liability of shareholders.

First Directors of Company.

Term of office.

First meeting of shareholders to be called by them.

Number and powers, and qualification and mode of election of Directors.

President and Vice-President, and their term of office.

3. The Company may commence business and exercise all the powers hereby granted as soon as the sum of one hundred thousand dollars of the capital stock shall be subscribed, and twenty-five thousand dollars thereof paid up and deposited in some one of the chartered Banks of this province; and it shall be the duty of the Directors to call in and require payment of the balance of the said sum of one hundred thousand dollars, within three years from the passing of this Act.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the Directors may appoint; and executors, administrators, or curators paying any instalments upon the shares of deceased shareholders shall be and are hereby expressly indemnified for paying the same; Provided, always, that no share or shares shall be held to be legally subscribed for unless a sum equal at least to ten per centum on the amount so subscribed for be actually paid at the time of subscribing or within one month thereafter.

5. No stockholder of the said Company shall be liable and responsible for the debts and liabilities thereof, in his individual and private capacity beyond the amount not paid up of his or her shares in the capital stock of the Company.

6. The said William Botsford Jarvis, Casimir Stanislaus Gzowski, Lewis Moffatt, Frederick W. Cumberland, Robert Cassells, John George Bowes, William F. McMaster, and John Worthington, of the city of Toronto; Charles J. Brydges, of the city of Montreal, and James Bell Forsyth, of the city of Quebec, shall be the first Directors of the said Company, and shall severally hold their offices until the first election of Directors as hereinafter mentioned.

7. The Directors of the Company hereby appointed shall call a meeting of the shareholders as soon as the provisions of this Act have been complied with, and shall publish a notice calling such meeting in accordance with the provisions of the eighth section of this Act, for the purpose of electing Directors, who shall hold office until the first Wednesday in the month of June next after their election.

8. The number of the said elected Directors shall be six, and the stock, property and affairs of the said Company shall be under the control and management of such Directors, each of whom shall be a stockholder to the amount of not less than one thousand dollars (\$1,000), one of whom shall be the President, and another Vice-President of the Company; the first Board of elected Directors shall be elected as soon as stock to the amount of (\$100,000), one hundred thousand dollars, is subscribed for, and twenty-five thousand dollars thereof paid in as required in the third section of this Act; two of the said Directors shall in rotation retire each year; the two Directors who shall

shall receive the smallest number of votes at the first election to retire first, and so in rotation, but any retiring Director to be eligible for re-election; elections of Directors shall be held on the first Wednesday in June in each year, at such time of the day, and at such place, in the city of Toronto, as the Board of Directors for the time being shall appoint, in the place and stead of the retiring Directors, and to supply any vacancies, public notice thereof being given by the Directors of the time and place of meeting, in one or more newspapers published in the city of Toronto, and in such other place or places as a majority of the Directors may direct, at least twenty-one days previous to such meeting; and the election shall be held and made by such of the shareholders of the Company as shall attend for the purpose, in their own person or by proxy, and all elections for Directors shall be by ballot, and proxies shall be capable of being held and voted upon by shareholders then present, and the persons who shall have the greatest number of votes at any election shall be the Directors for the year next ensuing; and if it shall happen at any election that two or more persons have an equal number of votes, in such a manner that a greater number of persons shall by a plurality of votes appear to be elected as Directors than may be necessary to complete the number of the Directors, then the Directors, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of six; and the Directors shall elect by ballot two of their number to be President and Vice-President for the ensuing year; provided, always, that no President, Vice-President or Director shall continue in office, unless he retain and hold in his own name and for his own use, stock to the aforesaid amount of one thousand dollars.

Elections by ballot.

Proxies.

Ties.

Proviso: qualification of President, &c.

9. If it shall at any time happen that an election of Directors of the Company shall not be made on any day when, pursuant to this Act, it ought to have been made, the Corporation for that reason shall not be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of Directors, due notice being given of the time and place of such election; and all acts of Directors, until their successors are elected, shall be valid and binding on the Company.

Provision in case failure to elect Directors on day appointed.

10. The books, papers and documents belonging to the Company shall be at all times subject to the inspection of the Directors, but no shareholder, not being a Director, shall have the right to inspect the same, or have access to any books or papers belonging to the Company, save in the week next preceding the annual General Meeting, during which week the said books, papers and documents shall be open to the inspection of any of the shareholders or policy holders in the said Company.

Books, &c., to be subject to inspection of Directors.

Votes of shareholders, and casting vote of Chairman at their meetings.

11. Each shareholder shall be entitled to one vote for each share which shall have been held in the Company, in his or her name, at least one month prior to the time of voting; and all questions or resolutions brought forward at the general annual meeting of the Company, (or at any special meetings that may be called under any by-law to that effect) shall be determined by the majority of the votes of the shareholders then present (whether in person or by proxy); and the Chairman elected to preside at such meeting shall have the casting vote, should there be an equal division of votes.

Remuneration of Directors.

12. The Directors, including the President and Vice-President, shall be entitled to such remuneration for their services as may be fixed by any order or regulation passed at the general annual meeting of the shareholders; and any three of such Directors shall constitute a quorum for the transaction of business, of whom the President or Vice-President shall be one, who shall preside at such meetings, except in case of illness or absence, when the Directors present may choose out of their number a chairman for such meeting.

Quorum.

Chairman.

Annual statement of accounts and abstract of assets and liabilities.

13. The Directors shall cause to be prepared and submitted to the stockholders at the general annual meeting, a full and correct statement of the accounts of the Company, setting forth the receipts and expenditure of the past year, under the heads of the two branches into which the business of the Company may be divided, and also a general abstract of the estimated liabilities and assets of the Company, giving full particulars of the various investments held by the Company, their nature and value; a copy of which statement, under the hand of the President or Vice-President, and countersigned by the Secretary and the Auditors of the Company, and verified by the oath of the Secretary, shall be transmitted to every shareholder and to the several branches of the Legislature; and the said Company shall from time to time make such other and further statements of their affairs, as His Excellency the Governor General or either House of Parliament may call for; and a copy of such annual statements shall be published immediately after such annual meeting in one of the daily newspapers published in the City of Toronto.

Certified and attested copy to the Legislature.

Powers of the Directors.

By-laws.

14. The Directors for the time being, or the majority of them, shall have power to make such by-laws and regulations not repugnant to the provisions of this Act or the laws of the Province, as to them may seem needful and proper, touching the management of the affairs of the said Company, and the disposition of the stock, property and effects thereof, and regarding the duties and conduct of the officers, clerks and servants employed therein, and also for the calling of general and special meetings of the shareholders, prescribing under what circumstances they shall be called, and all such other matters as may appertain to the business of the Company, and shall

shall have power to appoint as many clerks, servants and officers and with such salaries as to them shall seem fit, and also shall have power to make such calls of money from the shareholders for the time being, upon the shares of the said Company, as they may deem necessary, and to sue for and recover the same, and the production of the stock register and proof of the handwriting of the defendant shall be conclusive evidence of the defendant being a stockholder in the said Company; and in any such action it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to state that the defendant is the holder of one or more shares (as the case may be) in the capital stock of the said Company, and is indebted for calls upon the said share or shares in the sum to which the call or calls amount, stating the number and amount of such calls whereby an action hath accrued to the said Company to recover the same from such defendant; and it shall be sufficient to maintain such action to prove that the defendant was at the time of the making such call, a shareholder in the number of shares alleged, and to produce the by-law or resolution of the Board making and prescribing such call; provided always, that such calls shall be made at intervals of not less than thirty days, and notice of such call shall be given at least thirty days prior to the day on which such call or calls shall be payable, and no such call shall exceed five per cent. on each share subscribed.

Officers.

Calls.

What it shall be necessary to allege and prove in actions for calls on shares.
 Proviso : calls limited.

15. For the purpose of affording additional security to persons effecting assurances with the said Company, the said Company are hereby directed and required to set aside and appropriate in each year a sum equal to twenty-five per centum of the profits of the said Company to form a guarantee fund until such fund shall amount to the sum of one hundred thousand dollars, and such fund shall be applied only to payment of losses sustained by the said Company, and to no other purpose whatever, and the misapplication of the said fund or any portion thereof shall render any Director sanctioning such misapplication personally responsible for the amount so misapplied; and it shall be the duty of the Directors for the time being, and they are hereby directed and required in case any portion of the said fund be applied in payment of any loss or losses sustained by the said Company, forthwith to call up so much of the unpaid capital of the said Company, as may be necessary to replace the amount so paid out of the said fund; and in case the whole of the capital stock shall have been paid up the whole of the profits of the said Company shall be applied to make good any deficiency in the said guarantee fund; and the said fund shall be invested in Provincial Government securities, and an annual statement thereof shall be submitted by the Directors of the Company to the Finance Minister on the thirty-first December in each year.

Company to set aside a guarantee fund yearly.

Fund to be kept good.

Investment of fund.

16. The chief place or seat of business of the Company shall be in the City of Toronto, but it shall and may be lawful for

Chief place of business, bran-

for

ches and agencies.

for the Directors to open and establish branches and agencies of the said Company in other cities, towns and places in Canada, or any part of British North America, and it shall also be lawful for the said Company to establish such branches and agencies in Great Britain and Ireland for the purpose of granting insurances to any person or persons who may be proceeding to this Province.

Power to make contracts of assurance.

17. The corporation shall have power and authority to make and effect contracts of assurance with any person or persons against all accidents whatsoever, and against loss by sickness, whereby the assured may, if injured or disabled by any accident or sickness, secure to himself the payment of a certain fixed sum, or a weekly or monthly payment during any period he may be disabled or prevented from following his usual avocation or business, in consequence of such accident or sickness, or in case of death from such accident, secure to the representatives of the person assured the payment of a certain sum of money, upon such terms and conditions as may be agreed upon.

Business of the Company, and how only their funds may be employed.

18. The Company shall not engage in buying or selling any goods, wares or merchandise, or in any banking operations whatsoever; but it shall be lawful nevertheless for the said Company, for the purpose of investing any part of their funds or money, other than the guarantee fund hereinbefore mentioned, which is to be invested as hereinbefore specified, to purchase and hold any public securities of this Province, the stock of any banks or other chartered companies, and the bonds and debentures of any of the incorporated cities or towns or other municipalities, and also to sell and transfer the same; and also to make loans upon real estate, by way of mortgage, or to purchase bonds, mortgages, and other securities, and the same to call in, sell, and re-loan, as occasion may render expedient.

Company not to see to execution of trusts on shares.

19. The Company shall not be bound to see to the execution of any trust expressed, implied, or constructive, to which any shares of its stock may be subject; and the receipts of the party in whose name the shares shall stand, shall be a sufficient discharge to the Company for any dividend or other money payable in respect of such shares.

Notice of meetings how given.

20. Twenty-one days public notice, at least, of all meetings, whether ordinary or extraordinary, shall be given by inserting the same in one newspaper at the least, published in the city of Toronto, and by mailing in the Toronto Post Office circulars addressed to the several shareholders respectively, which shall specify the place, day and time of such meeting; and any notice of an extraordinary meeting shall specify the purpose for which the same is called.

21. At any meeting of the Company one of the following persons, if present, shall preside as chairman, that is to say, the President, or, in his absence, the Vice-President, or in the absence of both, one of the Directors present, who shall be elected by the majority of the shareholders present, and such chairman shall not only have a vote on all matters brought before the meeting, but also a casting vote in case of equality.

Who to preside at meetings.

Casting vote.

22. In case any Director, at any time subsequent to his election, shall become bankrupt or insolvent, or cease to hold the number of shares necessary to qualify him as a Director, then, and in such case, the office of such Director shall become vacant, and he shall cease from acting or voting as a Director.

Office of Director to become vacant in certain cases.

23. In case any Director shall die, resign, or become disqualified, as aforesaid, to act as a Director, then the remaining Directors shall elect in his place any stockholder duly qualified to be a Director; and the stockholder so elected to fill up such vacancy, shall remain in office until the next annual election of Directors.

Election of new Director to fill vacancy.

24. The Directors shall hold meetings at such times as they shall appoint for that purpose, and may meet and adjourn from time to time as they think proper; and at any time three of the Directors may require the Secretary to call a special meeting of Directors; and in order to constitute a quorum at such meeting there shall be present at least three Directors; and all questions, matters, and things considered at such meeting shall be determined by a majority of votes; and no Director shall have more than one vote at such meeting except the chairman in case of an equality of votes, when he shall have a casting vote as chairman in addition to his vote as Director.

Meetings of Directors.

Special meetings.

Quorum, votes and casting vote.

25. All acts done at any meeting of the Directors shall, notwithstanding it may be afterwards discovered that there was some error or defect in the appointment of any person attending such meeting as a Director, or acting as aforesaid, or that such person was disqualified, be as valid as if such person had been duly appointed; and was qualified to be a Director.

Validity of acts done at such meetings.

26. In all actions, suits, and prosecutions in which the Company may be at any time engaged, the Secretary and all other of the officers of the Company shall be competent witnesses, notwithstanding any interest they may have therein.

Officers of Company to be competent witnesses.

27. It shall be at any time lawful for the Company to increase its capital stock to a sum not exceeding one million dollars, in such manner as a majority of the stockholders at a meeting to be expressly called for that purpose shall agree.

Capital stock may be increased.

28. Books for the subscription of shares in the said Company may be opened in any place or places within this Province or elsewhere as the Directors appointed by this Act, or

Subscription and transfer of shares.

any Directors elected under the provisions of this Act, may deem expedient; and the shares of the said capital stock shall be transferable and may be from time to time transferred by the persons so subscribing or holding the same; Provided, always, that no such transfer shall be valid until sanctioned and approved of by the Directors and duly registered in a book or books to be kept for that purpose; And provided also, that after any call has been duly made, and notice given thereof as aforesaid, no person or persons shall be entitled to sell or transfer any share or shares he, she, or they may possess, until all call or calls for the time being due on any such share or shares held by him, her, or them, shall have been paid.

Public Act. **29.** This Act shall be deemed a Public Act.

C A P . L I I .

An Act to grant certain powers to the County of Middlesex Mutual Fire Insurance Company, and to change its name.

[Assented to 15th October, 1863.]

Preamble. **W**HEREAS the County of Middlesex Mutual Fire Insurance Company have, by their petition, prayed that for the better management of the affairs of the said company additional powers be conferred on them, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Annual meetings. **1.** The said company may hold its annual meeting for the election of directors at such time in each year as may appear most expedient to the board of directors.

Policies for cash. **2.** The said company may issue policies and collect premiums in cash for insurance, for terms of one, two, or three years, as well as policies with a premium note.

Company may create an Equalization or Guarantee Fund, and for what purpose. **3.** For the purpose of keeping down, if possible, the assessment which the company may now by law make, so as not to exceed the sum of seventy-five cents on each hundred dollars insured, should a disastrous year or series of years occur, and to provide for the speedy and certain payment of losses incurred—the company may raise, from any savings the company may be able to effect in favorable years out of the assessments collected on the premium notes of the company, while such collection does not exceed seventy-five cents on each hundred dollars on isolated farm property for three years, a *Guarantee* or *Equalization Fund* not to exceed twenty-five thousand dollars, and all the said fund exceeding six thousand dollars shall be invested in provincial debentures, and the said fund

Investment and application of such Fund.

and

and all interest that may accrue thereon, shall belong to the company, and shall be applied for the purpose mentioned in the commencement of this section, and when not required for such purpose, shall be applicable to the payment of any losses, debts, and expenses of the company.

4. The premium notes of the company may be assessed in such manner and at such times as shall appear most expedient to the directors, provided always, that the sum to be paid by each member shall be in proportion to such member's premium note, and shall not exceed seventy-five cents for the three years' risk on the hundred dollars insured on isolated ordinary farm property of the safest description, until the whole *Guarantee or Equalization Fund* is wholly exhausted.

Assessment on Premium Notes limited until Guarantee Fund is exhausted.

5. The name of the County of Middlesex Mutual Fire Insurance Company is hereby changed to, and shall hereafter be "The Agricultural Mutual Assurance Association of Canada."

Corporate name changed.

6. All policies, engagements, and contracts entered into by the County of Middlesex Mutual Fire Insurance Company shall be binding on the said company under the name of "The Agricultural Mutual Assurance Association of Canada," and the change in the name of the company shall not in any way affect the collection of any debts or assessments due or to become due and payable to the company.

Change not to affect existing debts, &c.

7. The debts or assessments referred to in the preceding section may be collected by the company under the name of "The Agricultural Mutual Assurance Association of Canada," in any court of competent jurisdiction.

They may be collected in new name.

8. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company specifying such assessment and the amount due to the company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Certificate of Secretary sufficient for recovery of assessment on Premium Notes.

9. From and after the next annual meeting for the election of directors, the board shall consist of nine members, three of whom shall retire annually in rotation, but shall be eligible for re-election.

Number of Directors changed. Three to retire yearly.

10. Before the next annual meeting for the election of directors, the directors, or a quorum of them, shall determine among themselves by ballot: first, which three of the present directors shall continue in office for one year, and the said directors, after such ballot, shall be known as standing first in

Order of retirement of Directors to be determined by ballot.

Retirement
of present
Directors.

the list of directors ; secondly, which three of the present directors shall continue in office for two years, and the said directors, after such ballot, shall be known as standing second on the list of directors ; and the present directors, except the six so selected by ballot, shall all go out of office at the next meeting for the election of directors, and at such meeting there shall be three directors elected who shall continue in office for three years, and shall be known as standing third on the list of directors.

Three Directors
to retire yearly
thereafter in a
certain order.

11. The directors shall retire from office in the following rotation, that is to say ; three directors at each annual meeting after the next, commencing with the three directors standing first on the list of directors, and in the same manner the three directors standing next on the list at every annual meeting thereafter ; the retiring directors shall always be eligible for re-election, and the directors shall hold office for three years and until the next annual election thereafter.

Office of Com-
pany.

12. The office of the company shall be in the city of London, in Upper Canada, as heretofore.

Cap. 52 of Con-
stat. U. C., to
apply.
Exception.

13. The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes for Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Agricultural Mutual Assurance Association of Canada.

Public Act.

14. This Act shall be deemed a Public Act.

C A P. L I I I.

An Act to correct errors in the Grand Trunk Arrangements Act, 1862.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS clerical errors exist in the Grand Trunk Arrangements Act, 1862, and it has been shown that the required majority of the parties interested have accepted and assented to the said Act, and the correction thereof is desirable : Therefore, for remedy thereof, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Clerical errors
in 25 Vict., c.
56, corrected.

1. In the place and stead of the words " sixty-one," in the fourth line of the eleventh section of the Grand Trunk Arrangements Act, 1862, the words " sixty-two" shall be inserted ; and the said section shall be read and construed as though the said words " sixty-two" were and had been at the time of and ever since the passing of the said Act, inserted in the place and stead of the said words " sixty-one," in the said line of the said section ;

section; the words "and including" shall be inserted after the word "to," in the sixteenth line of the said eleventh section, in the second line of the twelfth section, and in the first line of the thirteenth section, respectively, of the said Act; and the said sections shall be read and construed respectively as though the said words "and including" were and had been at the time of and ever since the passing of the said Act so inserted in the said lines of the said sections respectively; in the place and stead of the words "sixty-two," in the twelfth line of the nineteenth section of the said Act, and in the last line of the sixth sub-section, and in the third line of the ninth sub-section of the said nineteenth section of the said Act the words "sixty-three" shall be inserted; and the said last mentioned section, and its said two sub-sections, shall be read and construed respectively as though the said words "sixty-three" were and had been at the time of and ever since the passing of the said Act, inserted in the place and stead of the said words "sixty-two," in the said lines of the said last mentioned section, and of its said two sub-sections respectively.

2. This Act shall be construed as forming part of the Grand Trunk Arrangements Act, 1862, and the citation of the said Act shall imply the citation of this Act and of the said Act as corrected and amended by this Act; and the passing of this Act shall be *prima facie* evidence that all the parties whose assent to and acceptance of the said Act was required by the twenty-third and thirty-ninth sections, or any other part of the said Act, to give full effect to the provisions thereof, have assented thereto and have accepted the same; Provided always that this section shall not affect pending cases, and provided also, that if in any case such assent or acceptance be specially denied by any party the burden of the proof of such assent or acceptance shall fall on the Company.

How this Act shall be construed.

Proviso.

C A P . L I V .

An Act to repeal a certain Act therein mentioned, and to authorize the Corporation of the City of Montreal to aid the Grand Trunk Railway Company of Canada in establishing a Terminus in the said City.

[Assented to 15th October, 1863.]

WHEREAS the proposed establishment of a Terminus for the Grand Trunk Railway of Canada, at the foot of McGill Street in the City of Montreal, has been abandoned and another site adopted in its stead: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-three, shall be and the same is hereby repealed.

23 V. c. 73, repeated.

City of Montreal may raise \$50,000 to assist G. T. R. Co. in making a City Terminus.

2. For the purpose of assisting the Grand Trunk Railway Company of Canada in the establishment of a Terminus at or in the vicinity of Chabouillez Square or elsewhere within the limits of the said City, the said Corporation is hereby authorized to issue Bonds or Debentures to the amount of Fifty Thousand Dollars, payable ten years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such Bonds or Debentures shall be headed with the words or title "*The City Terminus Loan*," to designate the object and purpose for which they shall be issued; they may be issued at such periods and for such amount as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which *coupons*, being signed by the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half yearly interest therein mentioned becomes due, and shall on payment thereof, be delivered up to the said Corporation; and the possession of any such *coupon* by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid, according to the tenor of such Debenture.

Debentures for such loan :

Coupons, &c.

Such aid to be subject to conditions to be agreed upon.

3. The aid and assistance which the said Corporation of the City of Montreal is authorized to grant to the Grand Trunk Railway Company of Canada, by the preceding section, shall be made subject to such conditions and stipulations as may be agreed upon between both parties.

Public Act.

4. This Act shall be held and taken as a Public Act.

C A P . L V .

An Act to amend the Act twenty-third Victoria, chapter one hundred and five, intituled: *An Act relating to the Northern Railway of Canada*, so far as relates to the construction of the Branch Line into the Town of Barrie, and other matters therein mentioned.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Municipal Corporation of the Town of Barrie, by their Petition to the Legislature, have in effect represented that in the year one thousand eight hundred and fifty-three, the said Corporation entered into an agreement with the Ontario, Simcoe and Lake Huron Railroad Union Company, with respect to the construction of a Switch or Branch Railway from the main line of Railway of the said Company to the said Town of Barrie; that the said main line of Railway has since, under the Act of the twenty-second year of

of Her Majesty's reign, intituled: *An Act relating to the Northern Railway Company of Canada*, become and now is vested in the Northern Railway Company of Canada, and disputes have arisen and litigation, in consequence thereof, is now pending as to such agreement, and the non-construction of such switch or branch road, and the liability of the said last mentioned Railway Company, in damages or otherwise, by reason thereof; and whereas the Corporation of the Town of Barrie have prayed for Legislative intervention in the premises; and whereas in view of the consent of the interested parties that such intervention should take place in the manner herein-after set forth, 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. The Municipal Council of the Town of Barrie, by any description of agreement or form of title, whether for the carrying out of their agreements heretofore entered into with the interested parties or otherwise, may acquire from such interested parties either in the name of the Corporation of the said Town for the Northern Railway Company of Canada, or directly in the name of the Northern Railway Company of Canada, all the right of way, easements and property in the soil whatsoever required for the construction of the said Switch or Branch Railway, from a point at or near the present Barrie Station of the said Company in the Township of Innisfil, to the place known as "McWatts' Wharf" in the Town of Barrie, and for the requisite station ground and buildings at or near the said wharf, together with such borrowing pits as may be requisite to that end, the whole as laid down on a diagram which is filed with the Secretary of the Railway Commissioners at Quebec, marked with the letter A, and signed by Frederick Cumberland and T. D. McConkey, or in substantial conformity with such diagram.

Town Council of Barrie to acquire right of way for the said Branch Line.

2. For the acquiring of such right of way, easements, and property, or of any part thereof, the said Council is hereby invested with all the powers of a Railway Company under the Railway Act, and all the powers of the said Railway Company under their special Acts relating thereto, and may exercise their powers either in the name of the Corporation of the said Town; or in that of the said Railway Company, in their discretion, and in the latter case, shall indemnify and hold harmless the said Railway Company, from all costs, damages, and trouble whatsoever in the premises.

Powers for acquiring the same.

3. Upon tender by or on behalf of the said Council to the said Railway Company, free and clear of all costs or charges whatsoever, within one year from the passing of this Act, of a good and sufficient deed or deeds of conveyance, of all lands, rights and easements requisite for the purposes aforesaid, or in default thereof, then, upon tender of such awards, agreements

Upon tender of such right of way within one year, Company to construct the said Branch, and work the

same, in satisfaction of their agreement with the Town Corporation.

or evidence of payments of compensation into Court, as may be sufficient under the eleventh section of "The Railway Act," to empower the said Railway Company to take possession of and hold the said lands, rights, and easements, and to construct the said Switch or Branch Railway; the said Railway Company shall forthwith construct the said Switch or Branch Railway, together with such station and other buildings, at or near the wharf aforesaid, as may be requisite for the convenient and proper accommodation of the trade of the Town of Barrie and of the surrounding country, to be transacted at such station; and the same shall thenceforth form part of the Railway of the said Company, and shall be duly maintained and worked as such, and the completion of the said Switch or Branch Railway by the said Company, in accordance with the requirements of this Act, shall be deemed and taken to be a complete satisfaction and discharge of all suits, actions, rights of actions, awards, judgments, claims and demands heretofore existing on the part of the said Corporation for and in respect of the said Switch or Branch Railway or any matter or thing relating thereto.

Title of the Company to such right of way: and obligation of the Town Corporation.

4. Every such award, agreement or evidence of payment into Court as may be so tendered as aforesaid, shall vest in the said Railway Company an absolute and indefeasible right to the property awarded or agreed for, or to do the thing for which compensation may have been awarded or agreed upon; as the case may be, and no party claiming interest shall thereafter have or exercise any right or claim whatsoever in the premises as against the said Railway Company, but all such rights or claims shall subsist and be exercised as against the said Corporation of the Town of Barrie only, to the entire exoneration of the said Railway Company for liability of any kind whatsoever.

Crown rights not affected.

5. The lien and claim of the Crown at the time of the passing of this Act on the said Northern Railway of Canada, shall extend to and over the said Branch Line of the said Northern Railway into the Town of Barrie.

In default to make such Branch, Company to pay \$20,000 as damages.

6. In default of the said Railway Company to construct and wholly finish the said Switch or Branch Railway, together with the said station and buildings, within one year from such tender to them as aforesaid, they shall pay or cause to be paid forthwith to the Corporation of the said Town, the sum of twenty thousand dollars, by way of penalty for liquidated damages sustained by the said Town of Barrie in respect of the said agreement, and also all such sum or sums of money as the said Corporation have or shall have paid to the parties interested for such rights of way, easements and property, and in default of such payments, the said Corporation may maintain an action of debt against the said Company to recover the same, or any part thereof, in any Court of competent Jurisdiction in
this

this Province; and the earnings and property, real and personal, of the said Company, shall be liable for the payment of any judgment that may be recovered against the said Company as aforesaid.

7. And in default of the said Corporation of the Town of Barrie, to make and complete such tender of right of way, easements and property as aforesaid within one year from the passing of this Act, the said Corporation shall forfeit all claims and demands against the said Company, for or in respect of any judgment, award, agreement, matter or thing heretofore at any time existing in respect of the said Switch or Branch Railway.

Claim of Town forfeited if right of way be not acquired as aforesaid.

S. This Act shall be deemed a Public Act.

Public Act.

C A P . L V I .

An Act to authorize and empower certain parties to purchase the Preston and Berlin Railway, and for other purposes.

[Assented to 15th October, 1863.]

WHEREAS under and by virtue of a mortgage granted by the Preston and Berlin Railway Company and divers mesne conveyances, Edward Irving Fergusson has become the purchaser of all and singular the Railway by their Act of Incorporation authorized to be constructed, and the station grounds, buildings, structures, privileges and appurtenances therewith used and enjoyed, and the said Edward Irving Fergusson hath by his petition prayed that he may be authorized to sell the same to any Railway Company or other corporation or association of persons who may be willing to purchase and complete the same, and that such company, corporation or association may be empowered to acquire and to complete and work the same; and the said Preston and Berlin Railway Company have also presented their petition praying that an Act may be passed to give effect to any transfer in accordance with such sale, and it is expedient to grant the prayers of such petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. It shall and may be lawful for the said Edward Irving Fergusson, his heirs or assigns, to sell to any Railway Company incorporated or to be incorporated, and whose line touches or intersects or may touch or intersect the line of the Preston and Berlin Railway Company, or to any corporation or association of persons to be incorporated, as hereinafter mentioned, hereinafter called the "purchasers," who may agree to purchase the same, and they are respectively authorized to purchase all and singular the Railway of the said Company

E. I. Fergusson may sell, and other parties may purchase the same Railway and all property and rights of the former company.

Company from its terminus in the Village of Preston, to the Town of Berlin, including all lands, buildings, stations, station grounds, privileges and appurtenances acquired and formerly owned by the said Preston and Berlin Railway Company.

Purchaser may hold and use the said Railway and rights.

2. The said purchasers shall, upon the transfer to them of the said Railway and works as authorized by the preceding section, possess and enjoy the same; and the same shall thenceforth vest in and absolutely belong to such purchasers, freed and discharged from all claims under the said Mortgage, and from any claims by the Shareholders of the said Railway Company; and the said purchasers shall and may enjoy, exercise and enforce all the rights, powers, claims, benefits, franchises and privileges granted or conferred on, or held, possessed, or enjoyed by the said Railway Company, by or under or by virtue of the Acts relating to the said Railway Company, or any of them, or otherwise; provided that nothing herein contained shall be held or taken to confer any right on the purchasers to collect or enforce any subscription or stock heretofore made or taken by the Corporation of the Town of Berlin in the Preston and Berlin Railway Company, and which or any portion of which has been heretofore or now is unpaid by the Corporation of the Town of Berlin and outstanding.

Proviso: as to stock taken by Town of Berlin.

Purchasers, with consent of the shareholders of the new company, may issue Bonds, which shall be a first charge.

3. The purchasers shall have power, upon being duly authorized thereto, by a vote of a majority of the Shareholders in the said Company or Association, present at any general meeting duly convened with notice of the object of such meeting, to issue their Bonds under the seal of such Company or Association for a sum not exceeding seventy-five thousand dollars for the purpose of completing the said Railway; and such Bonds shall be a lien or first charge and hypothec upon the said Railway; provided, however, that no such Bond shall be issued for a smaller sum than one hundred dollars.

Proviso.

Purchasing company incorporated.

4. And the more fully to enable any Company or Association of persons to acquire and work the said Railway, it is enacted, that any six or more persons who shall under the provisions of this Act become Shareholders in the Company hereby intended to be incorporated shall, upon the performance of the conditions hereinafter mentioned, be a body corporate and politic by the name of the Preston and Berlin Junction Railway Company.

Corporate name.

Capital.

5. It shall be lawful for the said persons to raise and contribute among themselves, a competent sum of money for acquiring, completing and working the said Railway, and the sums so to be raised and subscribed shall constitute the Capital Stock of the said Company, and shall be divided into fifteen hundred shares of one hundred dollars each.

Shares.

6. When and as soon as shares to an amount equivalent to eighty thousand dollars in the said capital stock shall have been taken and subscribed for, and ten per cent thereon shall have been paid into one of the Chartered Banks of this Province, the said subscribers shall thenceforth be a body corporate and politic by the name and style aforesaid, and any six of them may call and hold a meeting at such place as may be named in the notice convening the same, for the purpose of electing Directors; and at such meeting the shareholders present in person or by proxy, shall choose five persons to be Directors, each of such persons being a proprietor of shares in the said Company to an amount of not less than five hundred dollars.

First meeting when \$30,000 are subscribed and 10 per cent paid in.

Election of Directors.

7. The Company incorporated by this Act may enter into any arrangement with the Great Western or any other Railway company for the working of the said Railway, on such terms and conditions as the 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 other Companies to work the Railway.

8. And in case of any such arrangement, or lease, or of any agreement, being made with the said Great Western Railway Company or any other Railway Company, they may and they are hereby respectively authorized to work the said Railway in the same manner and in all respects as if incorporated with their own line.

And such company may work the same.

9. All the provisions and the various clauses of the Statute intitled: *An Act respecting Railways*, which are not inconsistent with this Act or the Acts incorporating the Preston and Berlin Railway Company, shall be incorporated with this Act and form part thereof, and shall apply to the Company hereby incorporated; and the Interpretation Act shall apply to this Act, which shall be deemed a Public Act.

Railway Act to apply to new company.

Public Act.

C A P. L V I I.

An Act for the re-organization of the Brockville and Ottawa Railway Company, and to authorize the issue of Preferential Bonds for certain purposes.

[Assented to 15th October, 1863.]

WHEREAS the Brockville and Ottawa Railway Company, by reason of financial embarrassments, have for a long time been unable to pay the interest upon their mortgages and bonds, and it is expedient that legislation should provide for the re-organization of the company, whereby the extension of the road may be secured; and a sacrifice of the interests of the municipal, bond and other creditors of the Company may be averted;

Preamble.

averted; and whereas the Counties of Lanark and Renfrew, and certain of the bond and other creditors of the said Company have with that view prayed for certain amendments to the several Acts of Incorporation of the said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may issue preferential bonds for £60,000, and for what purpose; how such bonds shall rank, and be secured.

1. The Company may issue preferential bonds or debentures bearing seven per cent. interest, and not exceeding in amount in the whole sixty thousand pounds sterling, the proceeds of which shall be applied, exclusively, first, for the completion of the said Railway from Brockville to the Ottawa River, either at Arnprior or Roddy's Bay, and secondly, for the equipment and stocking of the Railway generally, and for no other purposes whatever; and the said preferential bonds shall be called *Preferential Extension Bonds*, and may be in the form given in Schedule A, to this Act appended, and the principal and interest thereof shall form the first charge on the Railway, next after the claims of the corporations of the United Counties of Lanark and Renfrew, of the Town of Brockville and of the Township of Elizabethtown, and subject to their first charge, and in preference to all other bonds, debentures, and claims whatever; and for the purpose of the said charge, the term *Railway* shall include the lands, equipment, rolling stock, plant and materials, and all other property of the said Company, acquired or to be acquired, and the tolls and revenues thereof, over and beyond the working expenses and maintenance of the said Railway.

Mortgage for securing the said bonds.

2. As security for the payment of the principal and interest of the said preferential extension bonds, and as evidencing the charge hereby created, the said Company is hereby authorized to execute, under its corporate seal, a mortgage of the whole line of its Railway, finished and unfinished, and to be finished from Brockville to Pembroke, and its appurtenances, including all its lands, equipment and rolling stock, plant and materials, and all other property of the said Company, acquired or to be acquired, and the tolls and revenues thereof, over and beyond the working expenses and maintenance of the said Railway; which said mortgage may contain such provisions as may be agreed upon between the Company and the parties advancing money upon such preferential bonds, respecting the foreclosure of such mortgage, the possession and management of the said Railway after default by the Company in the performance of their obligations thereunder, and the collection and reception of the revenue thereof, and the distribution of such revenue among the municipalities and other mortgage creditors, according to their respective ranks and priorities; the whole without prejudice, however, to the rights and remedies of the said municipalities under their mortgages; and such mortgage shall be so executed in favor of and delivered to a

Certain conditions may be inserted in mortgage.

To be in favor of trustees; registration.

trustee

trustee or trustees to be nominated by the said preferential extension bondholders, and to be therein named, and upon being recorded in the several counties in which the said Railway is situate, shall be and remain, until fully satisfied, the second mortgage on all the property therein described, ranking next after the claim of the said municipalities, under the mortgages given by the said Company to the said municipalities.

3. Within six calendar months from the passing of this Act any bondholder or bondholders holding bonds to an amount exceeding in the aggregate fifty thousand pounds sterling, may subscribe for the preferential extension bonds herein mentioned to be issued, and name the trustee or trustees to whom the said mortgage shall be executed; and upon the depositing, with a written declaration that such deposit is made under the trust hereby implied, with some chartered bank in this Province, or in Great Britain, or with the agent in the State of New York of any chartered bank in this Province, of a sum equal to forty thousand dollars, currency of Canada, in cash, or in securities at ten per centum discount upon their marketable value in London in England or at New York, according as the deposit may be made in Great Britain or in the State of New York, such subscription shall entitle such bondholder or bondholders, until the expiration of the said term of six months next after the passing of this Act, to a preemptive right to such preferential extension bonds; and scrip evidencing the subscription for the said preferential extension bonds shall be thereupon at once issued to such subscriber or subscribers, subject by the terms thereof to the payment of the amount subscribed for to the Company for the special purposes aforesaid; by such instalments as shall be provided for in such bonds and as shall be fixed by the terms of such mortgage; and upon payment of instalments thereon, to the extent of forty thousand dollars, said currency, the said deposit shall be returned to such subscriber or subscribers, for which return the order of the President of the Company shall be sufficient authority; and upon payment of such subscription, according to the terms agreed upon, the company may issue the said preferential extension bonds in conformity with this Act.

Present bondholders may subscribe for preferential bonds, and on what conditions.

Scrip to issue to them, &c.

Issue of bonds.

4. At all meetings of the said Company which shall be held after the subscription for the said preferential extension bonds, or any of them, and after the payment of forty thousand dollars, said currency, or the deposit of security to the like amount, as hereinbefore provided, but not before, the holders of the scrip for the said preferential extension bonds, and of such bonds when paid up in full and issued; and of all other bonds of the Company issued or to be issued, under any former Acts, shall have the same right of voting thereat, either in person or by proxy, and the same number of votes as would be conferred by holding stock or shares in the company of equal nominal amount;

After such subscription bondholders to have votes as if shareholders.

At what rate in shares bonds shall be valued.

Right of shareholders to vote suspended.

Proviso.

Registers of bondholders to be kept by the company.

Notice to bondholders to register.

Vote not valid unless bond be registered one month before.

Certificate of registration.

amount; and all rules as to the requisite proportion of the votes of shareholders at any such meeting shall be interpreted as applying to the total number of votes given thereat by proprietors of stock or shares and of bonds; and for the purposes of this Act all sterling bonds of the Company shall be computed at the rate of one pound four shillings and four pence currency to the pound sterling, and the amount so to be ascertained shall for the said purposes be taken and considered as the nominal amount of such bonds, whenever the expression "nominal amount" is used in this Act; but if the amount of bonds held by any bondholder be not divisible without remainder, by the amount of a share in the Company, there shall be no vote in respect of such remainder; but the right of the shareholders in the Company to vote at meetings thereof shall be suspended, and such shareholders shall not vote at such meetings for two years next after such issue of scrip and such payment or deposit; provided, always, that during such suspension, the Company shall not issue shares or stock below par, nor pass any resolution respecting shares or stock, without the consent of two-thirds of the shareholders.

5. It shall be the duty of the present Directors, immediately after the passing of this Act, to open at their office at Brockville, and also at the place in London, in England, where the interest or principal money of any of the bonds of the Company is payable, registers of the holders of all bonds already issued, or which may be hereafter issued by the Company; and such registers shall contain the numbers of the said bonds, and the amounts thereof, and the dates of registry, and all transfers of such bonds which shall hereafter be made; and the said directors shall cause notice to be published in the *Canada Gazette* and in one or more newspapers published in the town of Brockville, or elsewhere along the line of railway, and also in two newspapers published in London, in England, calling upon the holders of the said bonds to register the same.

6. No vote shall at any meeting be received, in person or by proxy, in respect of any bond, unless such bond shall have been registered at least one month prior to such meeting, at the principal office of the Company in Canada, or at the above mentioned place in London, in the name of the person or persons by whom or by proxy for whom such vote shall be tendered; and for carrying this enactment into effect, bonds shall be registered on request of the bearer thereof, at the principal office of the Company in Canada, or at the above-mentioned place in London, or in both, as aforesaid, in the name of the bearer, or in any name or names endorsed thereon by the bearer; and the registration so made at either office shall be forthwith reported to the other office, and a certificate thereof shall be delivered to the bearer, on request, which shall be evidence of such registration; but no such registration shall in any way affect the right to receive any principal money or interest secured by such bond.

7. Upon the presentation, for registration of any bond of the Company other than a preferential extension bond, the person charged by the Company with the duty of enregistering such bond shall endorse or stamp upon such bond the words, *subject to sixty thousand pounds sterling, preferential extension bonds, issued under the Act passed in 1863.*

Indorsement on old bonds registered.

8. The proxy for a holder of scrip or bonds may be, *mutatis mutandis*, in the same form, or as near thereto as may be, as that for a shareholder; and no person shall be entitled to vote as a proxy for any shareholder or bondholder unless the instrument appointing such proxy has been transmitted to, or lodged with the Secretary of the Company, or left at the principal office of the Company, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Form of proxy for bondholder.

9. So soon as the scrip for such preferential extension bonds is issued under this Act, and the said payment or deposit made, a meeting of the Company shall be called for the election of seven new Directors, who shall hold office till Directors are elected at the next annual meeting of the Company for that purpose; at which meeting, and at all subsequent meetings during the said period of two years, the shareholders shall be excluded from voting; and if such scrip be issued, the present Board of Directors shall continue in office until such new Board of Directors shall be elected, under the provisions of this Act; and on the first Wednesday of February in every succeeding year, a Board of seven Directors shall be elected, who shall hold office for one year; in case any vacancy shall occur during the year among the directors, the continuing Directors shall nominate some duly qualified person to fill such vacancy, and the person so nominated shall hold office until the first Wednesday of February succeeding his nomination; the qualification of a Director shall be the holding, in his own right or in the right of his wife, shares or bonds, or both, to the nominal amount of one hundred and twenty-five pounds.

Meeting to be called when preferential bonds are subscribed for; and new directors to be elected.

Present Board to remain until then.

Vacancies.

Qualification.

10. After the said scrip for the preferential extension bonds shall have been issued, and the deposit or payment made as aforesaid, but not before, and in order to facilitate the liquidation of the Company's liabilities, the Company may issue to all creditors holding *bond fide* claims against the said Company, including all *coupons* in arrear at the time of the issue of the said scrip, and in exchange therefor, bonds or debentures of the Company, ranking equally with the ordinary bonds of the Company already issued, and together with such bonds, next after the said preferential extension bonds, to an amount equal to the claim of each creditor; or if bonds be held by any creditor as collateral security for a debt due by the Company, then only to such further amount in addition to

After such subscription ordinary bonds may be issued to creditors of the company for their claims.

Proviso: for consent of creditors, &c.

the bonds already so held; as will, together, be equal to the amount of such debt; provided always, that no such issue of bonds shall be made to such creditors until at least two-thirds in value of such creditors shall have signified to the Company in writing, their willingness to accept such bonds in lieu of their claims; and after such consent by such proportion of the creditors has been so signified, no judgment or other creditor of the Company for a claim now existing against the Company shall have any recourse against the Company or its assets or revenues except for such bonds.

If the bond-holders do not subscribe within the time limited, other persons may with the same advantages:

11. Until such subscription and deposit or payment have been made, or until the said six months have expired without the valid subscription and deposit or payment aforesaid, none of the said preferential extension bonds shall be issued or negotiated; provided always, that in case of the non-subscription by the said bondholders for the said preferential extension bonds, the said bonds may be subscribed for by any person or persons, to be approved of by the Directors, within one year thereafter, and scrip may be issued therefor to such subscribers, and to each of them, upon the payment to the Company of twenty per centum upon the amount subscribed for; and thereupon all of the provisions of this Act, which are herein made dependent upon the subscription by bondholders for the said preferential extension bonds and the deposit aforesaid, shall have full force and effect; and the subscribers for the said preferential extension bonds, the ordinary bondholders, and the creditors, shall thereupon have the same rights, powers, and privileges which are hereinbefore provided for in the event of the bondholders taking up the said subscription, and making the said deposit.

Act 25 V. c. 60, repealed.

12. The Act twenty-fifth Victoria, chapter sixty, is hereby repealed, except as to any acts already lawfully done thereunder.

Payment of sums retained from municipalities after extension of the Railway.

13. The sum of twenty thousand dollars, in payment of moneys retained by the Government from the said municipalities prior to the nineteenth day of May, one thousand eight hundred and sixty, shall, after the completion of the Railway to Arnprior or Roddy's Bay, according as either of these may be selected as the present terminus at the Ottawa River of the portion of the Railway, for the construction of which such preferential extension bonds are proposed to be issued, be paid to the municipalities in the proportion of the amounts loaned and advanced by them to the Railway Company respectively; and the same shall be chargeable upon the said Company, and the property and effects, tolls and revenues thereof, under the mortgages made by the said company to the said municipalities, in addition to any sum or sums since due or accrued thereunder, in conformity with and as regulated by the provisions of the Act twenty-third Victoria, chapter one hundred and nine; provided always, that

Proviso.

that should such extension of the said Railway not be constructed, the said sum shall become due and be payable on the first day of January, one thousand eight hundred and sixty-six.

14. So long as any part of the annual payment of one shilling on the pound, as fixed by law, upon the loans from the municipalities to the Company remains unpaid, the books, papers and documents belonging to the Company shall be subject to the inspection of the head official of any of the said municipalities, or such other person or persons as may be appointed under the seal of the respective municipalities for that purpose, in the fortnight next following the annual general meeting, during which two weeks the said books, papers, and documents shall be open to such inspection as aforesaid; and it shall be the duty of the officials of the said Company to give all reasonable facilities for such inspection, and to give such information as may be necessary to a full understanding of such books, papers, and documents.

Books, &c., to be open to inspection of officials of municipalities.

15. The Company shall, prior to the general annual meeting of the Company in each year, cause to be prepared and submitted for transmission to the said several municipalities, a full and correct statement of the accounts of the Company, setting forth the receipts and expenditure of the past year; a copy of which statement, under the hand of the President or Vice-President, countersigned by the Secretary, and verified under oath, shall be transmitted to the said municipalities within one week after the holding of such annual meeting.

Annual statement of affairs to be sent to municipalities.

16. Nothing in this Act contained shall be construed in anywise to alter, vary, or change, any claim, right, or title, which the Crown may now have or hold upon or against the said municipal corporations or any of them.

Rights of Crown saved.

17. This Act shall be a Public Act.

Public Act.

SCHEDULE A.

CANADA.

CAPITAL
£1,000,000 Sterling.

CAPITAL
£1,000,000 Sterling.

The Brockville and Ottawa Railway Company Preferential Extension Bond, Transferable.

ISSUE LIMITED TO £60,000 STERLING.

Whereas the municipalities through which the said Railway will pass have loaned to the said Company certain moneys borrowed upon the credit of the Consolidated Municipal Loan Fund of Canada, which said moneys were directed to be the

first charge and lien upon the said Railway; and whereas, by the eighty-eighth and ninety-first sections of the eighty-third chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Consolidated Municipal Loan Fund*, the liability of the said municipalities in respect of the said loans has been reduced to an annual payment of five cents in the dollar of the assessed yearly value of the assessable property of the said Municipalities;

And whereas, the road, tolls and revenues of the said Company stand pledged to the said Municipalities for the payment of the said reduced annual charge in preference to all other claims: subject therefore to the said annual charge or payment of five cents in the dollar, as aforesaid, to the Government of Canada, on behalf of and towards payment of the said Municipality loans, and next thereafter, the lands, tolls, revenues, and all other property of the Company, acquired or to be acquired, are under the provisions of the Railway Act, and the Act of incorporation of the said Company, and the several Acts in amendment thereof, pledged and mortgaged for the due payment of these debentures, limited in issue as above.

The Brockville and Ottawa Railway Company hereby promise to pay to _____, or bearer, the sum of one hundred pounds sterling, twenty years from and after the _____ day of _____, one thousand eight hundred and _____, and also interest thereon at the rate of seven per centum per annum, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons hereto attached, at the office of _____, in the City of London, in England, or at the Company's office in Brockville, Canada.

Signed and sealed, at Brockville, the _____ day of _____ one thousand eight hundred and _____

C A P . L V I I I .

An Act further to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Stanstead, Shefford and Chambly Railroad Company have petitioned the Legislature for certain amendments in their Act of Incorporation, and the Acts relating thereto, and inasmuch as great progress has been made in the construction of the said Railroad, and the Company are using their utmost efforts to complete the same, it is expedient to grant the same: Therefore, Her Majesty, by and with the advice

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

1. Notwithstanding anything in the one hundred and seventeenth section of the Act known as the Railway Act and the non-completion of the said Railway within the period thereby limited, the corporate existence and powers of the said Company shall be held to have continued and shall continue in full force and effect, provided the said Railroad be finished and put in operation within five years after the passing of this Act.

Further time allowed for completing the Railway.

2. Notwithstanding anything contained in the said Act of Incorporation, the next general meeting of Shareholders of the said Company for the election of Directors thereof and for the transaction of the general business of the corporation, shall be holden on the first Wednesday in November next after the passing of this Act; and thence annually on the first Wednesday in November in each year thereafter, public notice of such Annual General Meeting and Election to be given in the manner provided by the said Act.

Time for first and other general meetings of shareholders.

• This Act shall be deemed a Public Act.

Public Act.

C A P . L I X .

An Act to amend the Act incorporating the Fort Erie Railway Company, and to change the name of the said Company to *The Erie and Niagara Railway Company*.

[Assented to 15th October, 1863.]

WHEREAS an Act was passed in the twentieth year of Her Majesty's Reign intituled: *An Act to incorporate the Fort Erie Railway Company*, with power to construct a line of Railway from Fort Erie to Chippawa, and whereas William A. Thomson, a Provisional Director of the said Company, and the Corporation of the Town of Niagara have by their Petitions represented that it is desirable, in order to afford increased facilities to the carrying trade of the western section of the Province, that the said Company should be empowered to transport grain and other freight and passengers from Lake Erie to Lake Ontario, and for that purpose to purchase or lease the Erie and Ontario Railway now constructed from Chippawa to Niagara, with all the rights and powers thereto belonging,— and it is expedient to grant the prayer of the said Petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
20 V. c. 151.

1. The name of the said Company shall be changed, and from and after the passing of this Act it shall be called *The*

Change of name.

Erie

Erie and Niagara Railway Company, and in citing this Act it shall be sufficient to use the expression, *The Erie and Niagara Railway Company Act of 1863*; and the expression "the Company," hereinafter used, shall denote the Erie and Niagara Railway Company.

Capital stock and shares.

2. The capital of the Company shall be two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and such shares shall be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons, bodies corporate or politic, holding the same, to any person or persons, and such transfer or transfers shall be entered and registered in a book or books to be kept for that purpose by the said Company; and such stock as has heretofore been subscribed to the Fort Erie Railway Company, and ten per cent. actually and *bonâ fide* paid thereupon, shall, at the option of the party subscribing the same, be held valid in this Company; but all such subscriptions of stock, when ten per cent. has not been actually and *bonâ fide* paid, shall be and are hereby declared to be illegal and void, and to form no part of the stock hereby authorized.

Transfer of shares.

Ten per cent must have been paid; or share forfeited.

Provisional Directors.

3. For the purpose of organizing the new company formed by this Act, William A. Bird, William A. Thomson, James Cummings, Isaac Buchanan, Adam Crooks, Alexander McAndrew, Samuel Wann, Thomas W. Kennard, Nelson Forsyth, John Douglas, Richard Graham, Arthur Johnston and Archibald A. Gordon, shall be the Directors of the said Company, and they and their successors shall and may have continued succession, and by the name of The Erie and Niagara Railway Company, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and by the same name of *The Erie and Niagara Railway Company*, they and their successors shall also be by law capable of receiving, purchasing, having and holding to them and to their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Corporate powers of Company.

Real and personal property.

Powers of provisional Directors.

4. The persons above named shall, until the next election of Directors of the Company as hereinafter provided for, be the Directors of the Company incorporated under this Act, and until such election takes place, shall have, exercise and enjoy all the powers and rights they could or would enjoy if elected under this Act, and shall have all the powers by this Act conferred on the Directors so to be elected; and the Directors herein

herein named shall elect persons to fill such offices as may be required to carry on the business of the Company, such officers to hold their respective offices until the first election of Directors hereinafter mentioned; provided always, and it is hereby enacted, that the first election of Directors to be held after the passing of this Act, shall take place so soon as one thousand shares of the capital stock of the said Company shall have been subscribed and the first instalment of ten per cent. actually paid thereon, and that from and after such first election, the above named Directors of the said Company shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under and after the passing of this Act; but such election shall not take place until the said provisional Directors, or a majority of them, shall call a meeting of the shareholders, at such time and place as they may think proper, giving at least two weeks' notice in one newspaper published in the County of Welland and one newspaper published in the County of Lincoln.

First election
of Directors.

Meeting for
election and
notice thereof.

5. The said Company are hereby authorized to construct, work and operate a Railway with a single or double track, commencing on the Niagara River, within the Village of Fort Erie, at some point at or above the wharf of Samuel Cowthard, but not further south than Queen Street, thence to the Village of Chippawa and thence, upon the acquisition by this Company of the Erie and Ontario Railway, as hereinafter authorized, to the Town of Niagara.

Line of Rail-
way.

6. From and after the first election of Directors which shall take place next after the passing of this Act, the property, affairs and concerns of the Company shall be managed by seven Directors to be chosen by the shareholders on the first Tuesday of June in each year, in the manner hereinafter provided, and notice of such annual election and of the time and place of holding the same shall be published two weeks before the day of election, in one newspaper published in the County of Welland, and one newspaper published in the County of Lincoln; and all elections for Directors shall be by ballot, and the persons holding one thousand dollars of stock in this Company, and who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the shareholders shall determine the election by another or other ballots until a choice is made; and if a vacancy shall at any time take place among the Directors by death, resignation or otherwise, either of those named in this Act, or of those hereafter elected, such vacancy shall be filled for the remainder of the term by a vote of the majority of the Directors; provided always, that in case it should happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not

Annual election
of Directors.

Notice.

Ballot: qua-
lification of
Directors.

Ties.

Vacancies.

Provision in
case of failure
of election.

not

not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and regulations of the said Company.

Aliens may be shareholders and Directors.

7. 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 be also 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 meetings.

All calls must be paid before voting.

Dividends.

8. The Directors shall make annual or semi-annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and once or oftener, as the Directors shall by By-law from time to time determine, in each year, an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear in the books and to be open to the perusal of any shareholder at his or her reasonable request; which said statement shall be annually submitted to the three branches of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament; and also a statement of the tonnage of goods, freight and number of passengers that have been conveyed over the said road.

Annual statement.

To be submitted to the Legislature.

Quorum of Directors.

9. The number of Directors necessary to form a quorum for the transaction of business may be regulated by the By-laws of the company, and until such By-laws shall be passed, a majority of the whole number of Directors shall for a quorum.

Qualification of Directors.

10. No shareholder shall be eligible to be elected a Director under this Act unless he shall be a *bonâ fide* stockholder in the said Company to the amount of at least one thousand dollars and shall have paid up all calls on such stock.

One vote for each share.

11. Each shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting.

Conveyances to the Company.

12. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the schedule marked "A," to this Act annexed, and all Registrars are hereby authorized to enter in their register books such deeds on the production and proof of execution thereof, without any memorial, and to minute such entry in the

Registration thereof.

the

the said deed, and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence pence for each deed registered, and no more.

13. The Directors of the Company may, subject to the rules and regulations from time to time of the Board, appoint an Agent in the City of London, England, and also an Agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office, to the London or New York offices in the names of the transferees in the same manner as shares may be transferred in the former office, and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates be issued for them, and the Agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of Shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Agents in
London and
New York.

And transfer
of stock there
or in Canada.

14. Whenever any transfer shall be made in England or the United States, of any share of stock of the Company, the delivery of the transfer duly executed to the agent or agents of the Company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the Company in respect of the share of stock so transferred, and such agent or agents shall transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may, from time to time, make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

Transfer and
registration
of stock.

Regulations for
facilitating
transfer.

15. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or increasing or reducing the number of Directors, or for any other purpose, the Directors may convene such meeting by

Special general
meetings of
shareholders.

by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular, the business to be transacted at such meeting shall be expressly stated, and such meeting may be held at the Company's chief office in Canada, or such other place in this Province as the Directors shall appoint.

Notice to be given thereof.

16. The notice of special general meetings of the Company for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the Directors calling the same, in one or more of the daily morning newspapers published in London and New York, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

Certain clauses of the Consolidated Railway Act to apply.

17. The several clauses of the Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "working of the Railway," and "general provisions," and also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, shall be incorporated with and form part of this Act, except such provisions of said Railway Clauses Consolidation Act or of the Acts amending the same, as apply to matters and things for which express provision is made in this Act, and the said several clauses of the aforesaid Acts herewith embodied shall be construed to apply to this Company as if the said Company were now newly incorporated.

And be incorporated with this Act.

Compensation or gravel, &c., used, to be fixed by arbitration.

18. Where stone, gravel, or any other material 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 as in cases of acquiring the roadway, and the notice of arbitration the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Clauses Consolidation Act, as varied and modified by this Act, as to the service of the said notice, arbitration, compensation deeds, payment of money in 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

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.

19. When 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 Clauses Consolidation 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 land 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 and used in all respects after the Railway is constructed, for the purpose of repairing and maintaining the said Railway.

Tracks over intervening lands to get gravel, &c.

20. The Company may unite or make traffic arrangements with any other Railway Company or Companies, or with the International and any other Bridge Company, or may lease this Railway to any other Company with the necessary conveniences for the purposes of such union, occupation, or traffic arrangements; and the Board of Directors of such Railways and the International and other Bridge Company, may agree upon such union, lease or traffic arrangements, and grant facilities for the same.

Union with other Companies.

21. Whereas the Corporation of the Town of Niagara, pursuant to the powers and provisions contained in the Act twenty-fifth Victoria, Chapter thirty-two, intituled: *An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad and for other purposes*, by an Indenture dated the tenth day of August, one thousand eight hundred and sixty-three, did grant and convey to William A. Thomson, of the village of Fort Erie, in the County of Welland, the Erie and Ontario Railroad, together with all and singular the houses, buildings, stations, station ground, rights, ways, franchises, privileges, and appurtenances, of any kind or nature whatsoever to the said Erie and Ontario Railroad or Railroad Company, in any wise appurtenant; but subject, nevertheless, to the several provisoes, conditions, and agreements, in the said indenture particularly mentioned and set forth: Be it therefore enacted, that it shall and may be lawful for the Erie and Niagara Railway Company, to acquire by purchase from the said William A. Thomson, or his assigns, the Erie and Ontario Railroad aforesaid, with all and singular its houses, buildings,

Transfer of Erie and Ontario Railroad by the town of Niagara to W. A. Thomson, recited.

This Company may purchase the same from him.

Rights of the Company after such transfer.

Transfer subject to certain conditions.

Registration of deed from the town of Niagara to W. A. Thomson.

River frontage may be acquired by the Company.

Company may hold propellers and sailing vessels.

buildings, stations, station ground, rights, ways, franchises and appurtenances, and when so acquired, the same shall be incorporated with the said Erie and Niagara Railway Company, and thereupon the said Erie and Ontario Railroad, with all its franchises and privileges, shall vest in and become part of the Erie and Niagara Railway Company, and that freed and discharged from any equity or right of redemption of the said Erie and Ontario Railway Company or otherwise whatsoever, but such purchase shall be subject to the same provisions and agreements in favor of the Corporation of the Town of Niagara, which are set forth and contained in the hereinbefore mentioned Indenture of the tenth day of August, one thousand eight hundred and sixty-three, and also subject to the following conditions, that is to say, that nothing herein contained shall confer or permit any rights on any portion of the Great Western Railway, nor shall affect any claims legally valid against the Erie and Ontario Railroad Company in respect of rights of way, whether for temporary or permanent occupation, which rights shall be a charge upon the Erie and Niagara Railway; nor shall such purchase confer upon the Erie and Niagara Railway Company, or upon any other purchaser or purchasers, any other or greater rights, title or property in the present wharfs or works at Niagara than is now held by the said William A. Thomson, under the sale by the said corporation of Niagara, or by the said Erie and Ontario Railroad Company; and it is hereby declared that the deeds of conveyance from the corporation of the Town of Niagara to the said William A. Thomson, and from the said William A. Thomson or his assigns, to the Erie and Niagara Railway Company, may be registered in the Registry Offices of the Counties of Lincoln and Welland, respectively, by the filing of two copies thereof respectively, and the respective Registrars are required to record said deeds respectively, and the production of such deeds or of such registered copies respectively, shall be sufficient evidence without further proof that the Erie and Ontario Railroad hath become vested in and incorporated with the Erie and Niagara Railway Company.

22. The Company shall have full power under this Act to purchase and hold a river frontage, and sufficient depth of land therefrom in the Town of Niagara, for the erection of grain warehouses, docks, station buildings, work shops and offices; also land at the Welland River for a station and grain elevator; also lands and river front on the Niagara River, at Fort Erie, within the limits of said village, for docks, elevators, station grounds, and station buildings.

23. The Company shall have full power under this Act to purchase and hold as part of the property of the said Company, as many propellers and sail vessels as may be required from time to time to carry the grain and other property arriving at Niagara and brought over the whole or part of the said Railway to its Canadian or American destination; also one or more steamboats

steamboats for passengers and freight between Niagara and Toronto and other ports; also a ferry boat on the Niagara River, at Fort Erie, and a steam tug for the towing of vessels to and from the docks of the Company at Fort Erie, and at Niagara, on Lake Ontario; and all such property shall be united with the railway, as the general property of the Company; and it shall be lawful for the said Company to construct and maintain, as part of the Erie and Niagara Railway Company's property, and out of the capital stock of said Company, elevators and dockage at Kingston and Oswego, on Lake Ontario, for the receiving and delivery of the grain shipped at Niagara by said Company.

Ferry and tow-boats.

Elevators and dockage.

24. The Company shall have full power under this Act, when possessed of authority under the laws of the State of New York, to construct and maintain out of the capital stock of the said company, a continuation of said railway within the said State of New York, said continuation to commence as nearly opposite as may be advantageous to the termination of the railway on this side of the Niagara River, at Fort Erie, passing thence along the outskirts of the City of Buffalo, until it reaches the general depot of the American Railways on Exchange Street in the said City of Buffalo, such extension of Railway being about six miles in length.

Branch to Buffalo Railway depot.

25. The Company shall have power to construct and operate a branch of their Railway from some point on their line within the Township of Willoughby to an intersection with the Welland Railway, at or near to Port Robinson, on the Welland Canal.

Branch to Port Robinson.

26. The work performed heretofore by contractors on the line of the Fort Erie Railway, and the expenses of surveying and engineering, together with all moneys disbursed for the right of way, and in respect to the construction of the Fort Erie Railway, and all other legal liabilities of the Fort Erie Railway Company, shall be paid, assumed and satisfied by the Company hereby incorporated.

Construction accounts of Fort Erie Railroad to be paid.

27. So much of the original Act of incorporation of the Fort Erie Railway Company as conflicts with this Act is hereby repealed; but such repeal shall not effect anything lawfully done, or any right acquired or liability incurred or agreement entered into, under or by virtue of the said Act, before the passing of this Act, or the recourse of any person or party for the enforcement of any such right, liability or agreement.

Part of original Act repealed.

Proviso.

28. The said Railway shall be completed within two years from and after the passing of this Act.

Completion of Railway.

29. The said Erie and Niagara Railway Company shall be and is hereby empowered to lay down a six foot gauge track besides the usual five feet six inches track of this Province, and the

Extra track 6 ft. gauge;

the

Certain Companies may use the same.

the "Erie" and the "Atlantic and Great Western" Railways of the United States are hereby empowered, subject to the assent of the Erie and Niagara Railway Company, and under such stipulations as may be agreed upon between the said respective Companies, to run their trains over said Erie and Niagara Railway, with coal, general freight and passengers, to and from the Town of Niagara and intermediate stations.

Public Act.

30. This shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I, A. B., of _____, do hereby, in consideration of _____ being the purchase money paid to me by the Erie and Niagara Railway Company, the receipt whereof I do hereby acknowledge, grant, bargain, sell, convey and confirm unto the said Erie and Niagara Railway Company, their successors and assigns, for ever, all that certain tract or parcel of land, situate, &c., (*here describe the land*) the same having been selected by the said Company for the purpose of their Road, (Harbor, Wharf or Pier, *as the case may be*), to have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, to the said Erie and Niagara Railway Company, their successors and assigns for ever.

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

A. B. [L. S.]

Signed, sealed and delivered
in the presence of C. D.

C A P . L X .

An Act to remove doubts as to the legality of certain instruments therein mentioned, connected with the Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway, and to confirm certain arrangements between the Municipality of the Town of Peterborough and the Lessees of the said Branch.

[Assented to 15th October, 1863.]

Preamble.
Case recited.

WHEREAS the Town Council of the town of Peterborough have, by their petition, represented that in the year of our Lord one thousand eight hundred and fifty-seven, the construction of a branch railroad uniting the said town of Peterborough with the main line of the Port Hope, Lindsay and Beaverton railway, at the village of Millbrook, had become very desirable and advantageous, as well to the said railway

railway company as to the holders of the first mortgage of the said road, and the inhabitants and rate-payers of the said towns of Peterborough and Port Hope, and therefore, in order to obtain the means of constructing the said branch road, the said railway company in good faith, did agree with certain lessees of the said company, and the town council of the said town of Peterborough, and the town council of the said town of Port Hope, that they, the said railway company, should make a lease to the said lessees, at a nominal rent, of their rights, powers and privileges, to build the said branch and run the same for nine hundred and ninety-nine years, upon condition, among other things, that the said lessees should build the said branch, with the assistance of the said town of Peterborough and the said town of Port Hope; and that it was further agreed by and between all the said parties, that the said town of Peterborough should subscribe thirty thousand pounds, and the town of Port Hope the sum of ten thousand pounds for the sole and only object of aiding in and securing the construction of the said branch; and, that in order to induce the said towns of Peterborough and Port Hope so to subscribe and pay the said thirty thousand pounds and ten thousand pounds respectively to the said lessees for constructing the said branch, it was at the same time further agreed by and between all the said parties, that the said lessees should secure to the said towns of Peterborough and Port Hope, by a mortgage of their lease the annual payment of the sums of one thousand eight hundred pounds and six hundred pounds a year, respectively, and the said sums to be subscribed as aforesaid should be paid by the said towns of Peterborough and Port Hope to the said lessees to aid and assist in constructing the said branch; that the said agreement was acted on and carried out; that the said lease was made, the said mortgage given, and the branch constructed, all in good faith, and relying upon the legality of all these proceedings as advised by counsel; that the petitioners have been advised by counsel to ask the Legislature for a confirmation of the said lease and of the said security by way of mortgage, and also of an agreement made by and between the said lessees and the said town of Peterborough, whereby the amount secured by the said mortgage and payable to the said town of Peterborough, is reduced or changed to the principal sum of nineteen thousand seven hundred pounds and interest thereon at six per cent payable as follows, that is to say: the sum of three hundred pounds, part of the said principal sum of nineteen thousand seven hundred pounds, on the first day of January in each year, until the whole of the said principal sum be fully paid; and the said interest at the rate of six per cent per annum, upon the principal unpaid in six equal payments, on the first days of May, June, July, August, September and October in each year, until the whole sum is paid, and the petitioners have therefore prayed that an Act may be passed for the confirmation of the rights of the parties under the said agreement; and

whereas

whereas it is desirable to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The lease to Messrs. Tate and Fowler, confirmed.

1. The lease, bearing date the thirteenth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, from the Port Hope, Lindsay and Beaverton Railway Company to Messrs. Tate and Fowler, as contractors for the construction of the branch leading from Millbrook to Peterborough, is hereby confirmed and declared valid, to all intents and purposes whatsoever, and against all persons and corporations whomsoever.

A certain mortgage of the said lease confirmed.

2. The mortgage of the same lease, bearing date the thirteenth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, between George Tate and John Fowler, of the first part, William Cluxton and David Smart, trustees therein mentioned, of the second part, and the Port Hope, Lindsay and Beaverton Railway Company, of the third part, is in like manner confirmed and declared valid to all intents and purposes whatsoever, and against all persons and corporations whomsoever ; Provided, however, that the amount secured thereby, to and for the benefit of the corporation of the town of Peterborough, is limited to the said principal sum of nineteen thousand seven hundred pounds, and interest thereon.

Proviso.

Agreement between the lessees and the town of Peterboro' confirmed.

3. The said agreement hereinbefore mentioned between the said lessees and the said town of Peterborough, whereby the amount secured by the said mortgage to the town of Peterborough is reduced or changed as aforesaid, is in like manner confirmed and declared valid to all intents and purposes, and against all persons and corporations whomsoever, and the said lessees may give and execute and the said town of Peterborough may accept and take such further security for the payment thereof, upon any property, not included in the said mortgage, as has been or may be agreed upon between them.

Saving the rights of certain parties.

4. Nothing in this Act contained shall affect or impair any rights that the corporation of the town of Port Hope may have in the lease and mortgage herein mentioned, or in either of them ; nor shall it interfere with any suit or suits now pending against the said town of Peterborough, in respect of the subscription of stock by the said town in the said Port Hope, Lindsay and Beaverton Railway Company, nor with the rights of the said Port Hope, Lindsay and Beaverton Railway Company under the said lease, in respect of the compensation money payable for running over that portion of the road between the village of Millbrook and the town of Port Hope, nor with any rights of any creditor of the said railway company against the said town of Peterborough in respect of the said stock,

stock, or against the said mortgage in the hands of the said trustees in respect of the said stock or subscription of the said town of Peterborough to the said railway company.

5. And be it enacted, 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 Port Hope, Lindsay and Beaverton Railway or in or upon the said Peterborough branch thereof.

Rights of the
Crown saved.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I .

An Act to incorporate the Quebec Street Railway Company.

[Assented to 15th October, 1863.]

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated under the title of *The Quebec Street Railway Company*, for the purpose of constructing and operating Street Railways in the City and Banlieu of Quebec, as far as the Toll Gates; and whereas it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Pierre Garneau, John Lemesurier, James Dinning, Thomas McGreevy, Eugène Chinic, Cirice Têtu, Matthew G. Mountain, William A. Curry, John Paterson, William Moore, John Glass, Beniah Prior, William Cassils, Henry Dinning, Fisher Langlois, Noel Hill Bowen, and such other persons as shall become shareholders of the said Company, are hereby constituted a body politic and corporate, for the purposes herein mentioned, by the name of *The Quebec Street Railway Company*.

Incorporation.

Corporate
name.

2. The capital stock of the Company shall be one hundred thousand dollars, in shares of fifty dollars each.

Capital.

3. The Company may commence operations, and exercise the powers hereby granted, so soon as twenty thousand dollars of the said capital stock shall be subscribed, and twenty-five per centum of the amount subscribed paid up.

When to com-
mence busi-
ness.

4. The Company are hereby authorized and empowered to construct, complete, maintain, and from time to time remove and change a single track iron railway, with the necessary side tracks, switches, turnouts, and other appliances for the passage of cars, carriages, and other vehicles, adapted to the same, upon and along St. Vallier Street as far as the Turnpike Gate

Company may
construct a
single line of
railway, &c.

Gate

With the consent of the corporation of Quebec, &c.

Gate in the Banlieu of Quebec and upon and along any of the streets and highways in the City and Banlieu of Quebec, for which permission has been or shall be obtained from the Corporation of the said City of Quebec, and subject to the limitations set forth and provided by the By-laws granting such permission, and to take, transport, and carry passengers upon the said Railway, and to construct and maintain all necessary works, buildings, and conveniences therewith connected, and to use or occupy any of the said streets or highways aforesaid, as shall be required for the purpose of their Railway track, and the running of their cars and carriages; but the company shall not be permitted to use steam power upon the said Railway.

Not to use steam.

Construction of track, &c.

5. The rails of the Railway shall be laid flush with the streets and highways, and the Railway track shall conform as far as possible to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and the guage shall be such that the ordinary vehicles now in use may travel on the said tracks which it shall be lawful for them to do, provided they do not interfere with or impede the running of the cars of the company, and in all cases any carriage or vehicle on the track shall give place to the cars by turning off the track.

Guage.

Directors.

6. The affairs of the Company shall be under the control of, and shall be managed and conducted by a Board to consist of seven Directors, of whom three shall be a quorum, and each Director shall be a stockholder to an amount of not less than five hundred dollars, and shall be elected at the annual general meeting of the Company, which shall be held on the first Monday in February in every year, at the office of the company; and all such elections shall be by ballot by plurality of the votes of the stockholders present, each share upon which all instalments due have been paid shall give one vote, and stockholders not personally attending may vote by proxy; and the Directors so chosen shall, as soon as may be, elect one of their number to be President, which President and Directors shall continue in office one year and until their successors shall be elected; after the first election of Directors to be made under this Act, no share or shares of the capital stock of the said Company shall confer a right of voting which shall not have been held for three calendar months at the least prior to the day of election, or of the general meeting when the votes of the stockholders are to be given.

Qualification and election.

Votes.

President.

Subsequent elections.

Yearly statement of affairs.

7. An exact statement in detail of the affairs, debts, and assets of the Company, up to the thirty-first day of December in each year, shall be submitted to the shareholders at each annual meeting, and the said statement shall be entered in the books of the said Company, and shall be open to the inspection of every stockholder.

8. As soon as the required amount of stock shall have been subscribed; a meeting of the shareholders shall be convened by public advertisement inserted for nine clear days immediately preceding such meeting, in at least one English and one French newspaper published in the City of Quebec, to elect the Directors of the said Company, and the Directors then chosen shall continue in office until the first Monday of February following.

First meeting of shareholders and election of Directors.

9. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations, as shall appear to them proper and necessary, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the auditing of its accounts, the entering into arrangements and contracts with the said City or the adjoining Municipalities, and the North Shore Turnpike Trust, for that part of the road within the St. Vallier Turnpike Toll-Gate, the declaration and payment of dividends out of the profits of the Company, the form and issuing of stock certificates, the payment of instalments on and the transfer or forfeiture of shares, the calling of special and general meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company, the fares to be received from persons transported over the Railway or any part thereof, and generally to do all things that shall be necessary to carry out the objects and exercise the powers incident to the Company; Provided always, that the by-laws of the said Company, and all amendments thereto, shall be approved by a majority of the stockholders present in person or by proxy, at any meeting of the Company convened for that purpose; and provided further that the Corporations of the Municipalities, through which the said Railway may pass, shall notwithstanding the passing of this Act have full power by by-laws in that behalf to enforce as against the said Railway Company, and all others, such rules and provisions as the said Corporations may think necessary so to regulate the construction and use of the said Railway as to prevent all avoidable interference with the ordinary traffic and use of the streets along which the said Railway may pass.

Directors to make By-laws for certain purposes.

Proviso.

By-laws subject to approval.

Certain powers vested in municipalities through which the railway passes.

10. The stock of the Company shall be deemed personal estate.

Stock to be personalty.

11. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law passed for that purpose; and all acts of Directors until their successors are elected shall be valid and binding upon the Company.

Provision in case of failure of election.

Real or personal estate.

12. The Company may purchase, lease, hold, acquire and transfer all real or personal estate necessary for carrying on the operations of the Company.

Directors may borrow \$50,000.

13. The Directors may from time to time raise or borrow for the purposes of the Company, any sum or sums not exceeding in the whole the amount of the paid up capital, provided the amount to be so borrowed do not exceed fifty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and conditions as they may think proper, and may pledge or mortgage all the property, tolls, and income of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed and the interest thereon; Provided always, that the consent of two-thirds in value of the stockholders of the Company then present, personally or by proxy, shall be first had and obtained at a special meeting to be called and held for that purpose, and the object of such meeting shall be stated in the notice convening the same.

Proviso: consent of stockholders required.

City and municipalities may enter into agreements with the company, &c.

14. The City of Quebec, the adjoining Municipalities, or any of them, and the said Company, are respectively hereby authorized to make and enter into any agreement or covenants relating to the construction of the said Railway, and of all the works connected therewith, and the running of the cars, subject to the restrictions contained in this Act; to pass any By-law or By-laws, and (when all parties concur) to amend, repeal, or re-enact the same, for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, and for enjoining obedience thereto, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said Railway may pass; Provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the said Company by this Act.

Proviso.

Liability of shareholders limited.

15. No shareholder of the said Company shall be liable under this Act for any default or obligation whatever of the Company, or for any engagement, claim, payment, loss, damage, transaction, matter or thing soever relative or attaching to the said Company, beyond the amount of his share in the capital of the said Company; should any shareholder of the said Company make default in the payment of any of the instalments payable by him upon his share or shares, or of any interest due by him, the Directors may, at any time after the expiration of three months after the period fixed for the payment of such instalment, declare the said share or shares forfeited, whether the amount due has been sued for or not, and such share or shares shall then become the property of, and be at the absolute disposal of the said Company.

Forfeitures of shares for non-payment of calls.

16. No share of the said Company shall be transferred until all instalments due or called in thereupon shall have been paid, or until the said share shall have been duly declared forfeited for non-payment.

No transfer until calls paid.

17. Suits at law or in equity may be prosecuted and maintained by any member against the said Company; and no member of the Company not being in his individual capacity a party to such suit, shall be incompetent as a witness in suits and legal proceedings by or against the Company.

Suits between members and company.

18. In case the said Directors shall deem it more expedient in any case to enforce the payment of unpaid instalments than to forfeit the share therefore, the Company may use for and recover the same from the shareholder with interest thereon, in an action of debt, in any Court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the owner of one or more shares, stating the number of shares, and is indebted to the Company in the sum to which the call in arrear may amount; and to maintain such action, it shall be sufficient that the defendant has signed some book or paper by which his subscription for such share shall appear, and that the number of calls in arrear shall have been duly made.

Calls may be recovered by action.

Proof in such cases.

19. Any person wilfully obstructing the said Railway, by leaving any waggon, cart, carriage, or other incumbrance thereon, or by refusing or neglecting to give place to the cars, or by maliciously breaking, injuring or destroying the said Railway or cars, or any of the property of the said Company, shall, upon conviction before the Recorder for the City of Quebec, or Judge of the Sessions of the Peace for the City of Quebec, or before any Justice of the Peace in or near the place where the injury has been done, be sentenced to pay all damages sustained by the Company, to be ascertained by the Recorder, Judge or Justice upon the hearing of the complaint, and also to pay a fine of not more than twenty dollars, nor less than two dollars, for each and every such offence.

Punishment of persons obstructing the railway.

20. This Act shall be void unless one mile at the least of the said Railway be constructed and put in use, within four years from the passing of this Act.

Forfeiture of Act by non-user.

21. This Act shall be deemed a public Act.

Public Act.

C A P . L X I I .

An Act to authorize Marie Louise Levasseur to collect tolls on a Bridge over the River Becancour, in the County of Nicolet.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS Marie Louise Levasseur, the wife of Antoine Mayrand, Esquire, and duly separated as to property from her said husband, has erected a very expensive bridge over the River Becancour, in the Parish of Becancour, in the County of Nicolet; and whereas the use of the said bridge would improve the relations and communication between the neighboring parishes and be of great advantage to the public in general; and whereas by her petition to the Legislature the said Marie Louise Levasseur hath prayed to be authorized to collect tolls on the said bridge, and it is expedient that her prayer should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

M. L. Levasseur may erect a toll-bar, &c., on her bridge.

1. The said Marie Louise Levasseur, her heirs or assigns, are hereby authorized to erect a toll bar, toll house, and other necessary dependencies upon the said bridge, and also to do all other matters and things requisite or useful for erecting, constructing and maintaining the said bridge, or for the reconstruction thereof.

Description of the bridge in case of re-building.

2. In case there should be occasion to reconstruct the said bridge, the same shall be erected on not fewer than three piers, each not less than twelve feet in breadth, twenty feet in length, and twenty feet in height, and the space between the said piers shall be at least twenty-eight feet, and the said bridge shall also have not less than three arches, each not less than fifteen feet in height.

Tolls to be collected thereon.

3. The said Marie Louise Levasseur, her heirs or assigns, may demand, receive and recover upon the said bridge, over the said River Becancour, for her or their own proper use, benefit and behoof for pontage as or in the name of toll or duty, the sums contained in the schedule following, that is to say:

For every vehicle drawn by one horse or other beast of draught with a load not exceeding ten quintals.....	\$00 03
For each vehicle loaded with more than ten quintals drawn by a horse or other beast of draught.....	00 06
For each vehicle drawn by two horses or other beasts of draught.....	00 04
For a saddle horse.....	00 02

For

For each head of horned cattle or other quadruped not otherwise specified.....	\$00 02
For each sheep, pig or horse.....	00 01
For each vehicle drawn by four horses or other beasts of draught.....	00 12
For each vehicle drawn by three horses or other beasts of draught....	00 09

4. The said Marie Louise Levasseur, her heirs or assigns, may diminish the rates aforesaid, and they shall be bound to put 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. Table of tolls to be posted up.

5. 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 or 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, drivers or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever; and provided also, that persons, horses or carriages going to or returning from a funeral, and all persons with horses or carriages going to or returning from their usual place of religious worship on Sunday and on *fêtes d'obligation*, shall be exempt from the payment of tolls or rates on the said bridge. Exemption in favor of H. M. mails, and forces, &c.

6. The said Marie Louise Levasseur, her heirs or assigns, are further empowered from time to time, to take and use the land on either side of the said River Becancour for the construction of a road leading to the said bridge, or to work up or cause to be worked up thereon the materials and other things necessary for erecting, constructing or repairing the said bridge paying such reasonable compensation for any damage caused, as may be agreed upon by mutual consent or estimated by the valuers of the Municipality. Land may be taken for a road.

7. The said Marie Louise Levasseur, her heirs or assigns, as long as the said tolls or rates are charged on the said bridge 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. Bridge to be kept in good repair.

8. Her Majesty or the Governor in Council may at any time assume the rights and privileges hereby granted to the said Marie Louise Levasseur, her heirs or assigns, upon payment of all just claims made by her for indemnification and compensation for the loss of such rights and privileges. H. M. may assume rights, &c.

9. This Act shall be deemed a Public Act.

Public Act.

CAP. LXIII.

An Act to incorporate certain persons under the name of the *Montreal and Salaberry Steamboat Company*.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the Honorable Louis Renaud, John Grant, John M. Young, Charles Renaud, Alexis Renaud, Joseph O. Lafrénière, Séraphin St. Onge, all of the City of Montreal, and Jean Baptiste Renaud, of the City of Québec, Esquires, have by their petition represented that an association was formed in the City of Montreal, in March, one thousand eight hundred and sixty-two, under the name and style of the *Montreal and Salaberry Steamboat Company*, in and to which they are subscribers and stockholders, with a view of promoting the public interest, by providing for the inhabitants of the shores of the St. Lawrence between Cornwall, Dundée, Beauharnois and Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation, and the use of the wharves and landing places, now or hereafter to be constructed by them along the route taken by their steamboats, and for the purposes aforesaid, the said Company have already on the said line two steamboats, the *Richelieu* and the *Salaberry*, which made the regular service during the last season of navigation between the ports hereinbefore mentioned; and that the said Company might be placed in a position obliging them to sue or be sued in the transaction of their business; and that the said Company has for its object the facilitating and promotion of the navigation of this Province; and with the view of attaining their purpose with greater facility, the said company have prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The Honorable Louis Renaud, John Grant, John M. Young, Charles Renaud, Alexis Renaud, Joseph O. Lafrénière, Séraphin St. Onge and Jean Baptiste Renaud, and all other persons who may now or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of the *Montreal and Salaberry Steamboat Company*, and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province; the said Company shall be empowered,

Corporate name and powers.

empowered, if they shall hereafter think proper so to do, to change the service of the ports mentioned in the preamble to this Act, and cause their steamboats to call at other ports, either solely or at the same time as the others, upon the St. Lawrence and the Lakes, and whether Canadian or American ports; The said company may make, establish and put into execution, alter or repeal all by-laws, rules, ordinances and regulations, the same not being contrary to the laws of this Province, nor to the provisions of this Act, as may appear to them necessary and expedient for the management of the business of the said company; all the movable and immovable property, rights and actions belonging to the said *Montreal and Salaberry Steamboat Company*, shall be and they are hereby transferred to the said corporation, and from and after the passing of this Act, the said corporation shall be the proprietors thereof, and of all movable and immovable property and effects which the said corporation may hereafter acquire; and all the debts and obligations of the said *Montreal and Salaberry Steamboat Company* shall be acquitted and performed by the said corporation; Provided always that no by-law, ordinance, rule or regulation shall be in force until the same shall have been approved by a majority of the Directors hereinafter mentioned, or their successors, authorized to that effect at the annual general meeting of the Stockholders of the said company.

By-laws, &c., may be made.

Transfer of rights and liabilities of the present company.

Proviso.

2. The said corporation, under the name of the *Montreal and Salaberry Steamboat Company*, may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, at the different ports and places at which the steamboats belonging to the said company shall touch, and may at any time sell, exchange and dispose of the same, and purchase other property for the same purposes.

Corporation may hold certain real estate.

3. The Capital Stock of the said Company shall be thirty thousand dollars, divided into three hundred shares, of one hundred dollars each; and it shall be lawful for the stockholders, at any meeting specially called for that purpose, from time to time to increase the said Capital stock to any sum not exceeding two hundred thousand dollars.

Capital stock; increase.

4. The superintendence, control and management of the affairs of the said company, shall be vested in five Directors, three of whom shall be a quorum, which said Directors shall be Stockholders in the said company, and shall be elected between the first and last day of January in each year, upon the day and at the hour and place which shall be appointed by the President, and notice whereof shall be given in one or more newspapers published in the city of Montreal, at least ten days previous to the said election; and the said election shall be had and made by the Stockholders of the said company present at the said meeting personally or by their proxies; and all elections of Directors shall be by ballot or by open vote, as may

Election of directors.

Notice.

Proxies.

President and how he shall vote.

may be prescribed by the by-laws of the said company; the Directors elected shall choose out of their number a President, and it shall be the duty of the said President to preside at all general or special meetings of the Stockholders or Directors; the President may vote at all meetings of the Directors and other meetings, and in case of an equal division of votes, he shall also have a casting vote; any vacancy among the Directors occasioned by death, resignation, absence from the Province or any other cause shall be filled by such person or persons as the remaining Directors or a majority of them may appoint; and it shall be lawful for the Stockholders at any meeting specially called for that purpose, to remove any or all of the said Directors, and to appoint others in their stead, in the same manner as at the annual election of Directors is hereby provided for.

Filling vacancies.

Removal of directors.

One vote for each share.

5. Each Stockholder shall be entitled to one vote for each share he shall have held in his name, at least one month previous to the time of voting; and all questions brought before the Stockholders at any general or special meeting shall be decided by a majority of such votes given by the Stockholders then present, or by their proxies, and in case of an equality of votes by the casting vote of the President.

Casting vote.

Special general meetings, how called, &c.

6. The President or any two or more Directors may at any time, and from time to time, call a meeting or meetings of the Stockholders, either for general or special purposes; and any four Stockholders may at any time call special meetings of the company, upon giving at least ten days' notice by advertisement, in one or more newspapers published in the city of Montreal, or by sending a written or printed notice to each Stockholder, by post or otherwise.

Provision in case of failure of election.

7. If at any time it shall happen that an election of Directors shall not be made, when on any day pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of Directors is herein directed to be made.

Limited liability of stockholders.

8. Every Stockholder of the said Company shall, until the full amount of his stock be paid up, be jointly and severally liable for all debts and contracts made by the said Company,—but not to a greater amount than a sum equal to the amount of his subscribed stock; and every stockholder may pay up the full amount of his stock at any time after he has subscribed for the same; and after his own stock has been paid up, no stockholder shall be personally liable for or charged with any debt whatever of the said Company, save and except as hereinafter mentioned.

Exception.

9. The Stockholders in the said Company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof for services performed for the said Company; but no stockholder in the said Company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act for the payment of any debt contracted by the said Company which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the Company, within one year after the debt became due; and no suit shall be brought against any Stockholder in the said Company for any debt so contracted unless the same be commenced within two years from the time he ceased to be a Stockholder in the said Company, nor until an execution against the said Company has been returned unsatisfied in whole or in part.

Liability for wages, &c., on certain conditions.

Limitation of suits.

10. The said company shall, in some conspicuous part of every building or place whereat the business or any part of the business thereof is carried on, cause to be constantly inscribed in plain and distinct letters and figures of at least one-half inch in length and of proportionate breadth, as well the name and style of the said Company as the amount of the capital stock thereof; and such name, style and capital shall also be written or printed in letters, at least as large and distinct as any other used in the same document, at the head of every promissory note, draft, check, order, bond, contract, agreement, bill of parcels or other document, purporting to be made or signed by any Director or officer of the said Company, or in any way to bind or oblige the said Company; and the Directors shall be personally and jointly and severally liable for every contract, promise or engagement made in the name of the said Company at any time when such name, style and amount of capital stock has not been so inscribed, at any such place, or by virtue of any such document at the head of which the same has not been written or printed in the manner hereby required.

Limited liability to be notified to the public in certain ways.

Otherwise directors to be liable.

11. It shall be the duty of the Directors to make such yearly dividends of the profits of the said company, as to them or a majority of them shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits, and losses, such statement to appear on the books of the company, and to be open to the perusal of any Stockholder.

Yearly statements and dividends.

12. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof, according to the form given in Schedule A hereunto annexed; Provided always that the transferrer shall always be held personally liable to the said company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time

Transfer of shares.

Proviso.

Proviso.

time of such transfer; and provided also that no share in the capital stock of the said Company which has not been paid up in full shall be transferred without the consent of the Board of Directors, expressed by a resolution passed at a general or special meeting thereof.

Liability of directors unjustly declaring dividends.

13. If the Directors of the said Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof files a written statement of such objection in the office of the Secretary of the Company, such Director shall be exempt from such liability.

Further liability of directors.

14. If the indebtedness of the said Company at any time exceeds the amount of its capital stock the Directors assenting thereto shall be personally and individually liable to the creditors of the said Company for such excess.

Present directors continued until others are elected.

15. The present members of the committee of the said Company and the President thereof shall continue in office as Directors until the next annual and general meeting of all the Stockholders; and the Directors to be elected annually shall continue in office until the appointment of their successors, as provided by this Act.

Service on the company.

16. Any service of process made at the office of the Company in the city of Montreal, and in case the Company should have no such office, then upon the President of the Company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Public Act.

17. This Act shall be deemed a Public Act.

SCHEDULE A.

Referred to in the foregoing Act.

For value received from _____ of _____
 I (or we) do hereby assign and transfer to _____
 shares, (on each of which has been paid
 dollars _____ cents,) in the
 capital stock of the *Montreal and Salaberry Steamboat Company*, the office of which is at Montreal, subject to the rules and regulations of the said company, hereby obliging myself (or ourselves) to fulfil the conditions imposed by the proviso contained in the twelfth section of the Act of incorporation of the said company.

In

In testimony whereof I (or we) have signed these presents at the office of the said company, this _____ day of _____ one thousand eight hundred and _____

(Signature of the transferrer or of his Attorney).

Witness

I (or we) do hereby accept the foregoing assignment of _____ shares in the capital stock of the *Montreal and Salaberry Steamboat Company*, assigned to me (or us) as above mentioned, this _____ day of _____ one thousand eight hundred and _____

(Signature of the transferee or of his Attorney).

Witness

C A P. L X I V.

An Act to incorporate certain persons under the name of "The Bay of Quinte and River St. Lawrence Steamboat Company."

[Assented to 15th October, 1863.]

WHEREAS James Glass, of the Town of Belleville, Esquire, Paul Finlay McCuaig, Elisha Biscoe Smith, Thomas Bog and John W. Langmuir, of the Town of Picton, Esquires, have, by their petition, represented that they are desirous of extending and increasing the forwarding business of the "Bay of Quinte and River Saint Lawrence Steamboat Company," to which they are subscribers and stockholders, with a view of promoting the public interest, by providing for the inhabitants of the shores of the Bay of Quinte direct means of transport, without transshipment, between ports and places on the Bay of Quinte and Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation, and the use of wharves and landing-places, now or hereafter to be constructed by them along the route taken by their vessels, and for the purposes aforesaid, the said Company have already on the line the steamboat "St. Helen," and the schooner "India," now engaged between the ports above mentioned; that the capital of the said Company is fifty thousand dollars, divided into one thousand two hundred and fifty shares of forty dollars each; and that the said Company might be placed in a position obliging them to sue or be sued in the transaction of their business; and that the said Company has for its object the facilitating and promotion of the navigation of this Province; and with a view of attaining their purpose with greater facility, the said Company have prayed to be incorporated: Therefore, Her

Preamble.

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

Certain persons incorporated, as a company.

Corporate name and general powers.

By-laws may be made.

Transfer of rights and liabilities of the present company.

Proviso : By-laws must be confirmed.

Corporation may hold real estate.

General business ; powers.

1. James Glass, Paul Finlay McCuaig, Elisha B. Smith, Thomas Bog, John W. Langmuir, and all other persons who may now or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of the " Bay of Quinte and River Saint Lawrence Steamboat Company," and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province ; the said Company shall be empowered, if they shall hereafter think proper so to do, to change the service of the ports mentioned in the preamble to this Act, and cause their vessels to call at other ports, either solely or at the same time as the others, upon the Saint Lawrence and the Lakes, and whether Canadian or American ports ; The said Company may make, establish and put into execution, alter or repeal all by-laws, rules, ordinances and regulations, the same not being contrary to the laws of this Province, nor to the provisions of this Act, as may appear to them necessary and expedient for the management of the business of the said Company ; all the movable and immovable property, rights and actions belonging to the said " Bay of Quinte and River St. Lawrence Steamboat Company," shall be and they are hereby transferred to the said corporation, and from and after the passing of this Act, the said corporation shall be the proprietors thereof, and of all movable or immovable property and effects which the said corporation may hereafter require, and all the debts and obligations of the said Bay of Quinte and River Saint Lawrence Steamboat Company shall be acquitted and performed by the said corporation ; Provided always that no by-law, ordinance, rule or regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned, or their successors, authorized to that effect, at the annual general meeting of the stockholders of the said Company.

2. The said Corporation, under the name of the " Bay of Quinte and River St. Lawrence Steamboat Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, at the different ports and places at which the vessels belonging to the said Company shall touch, and may at any time sell, exchange and dispose of the same, and purchase other property for the same purposes ; The Company may construct, acquire, charter, maintain, sell and otherwise dispose of steam and other vessels, and

and make contracts or agreements with any person or corporation whatever, for any purposes connected with such business; The capital stock of the Company shall be fifty thousand dollars, divided into one thousand two hundred and fifty shares of forty dollars each and may be increased to two hundred and fifty thousand dollars, by a vote of a majority of shareholders present at any annual or special meeting to be called for that purpose.

Capital and provision for increase.

3. The superintendence, control and management of the affairs of the said Company shall be vested in five Directors, three of whom shall be a quorum; which said Directors shall be stockholders in the said Company, and shall be elected between the first and the last day of January in each year, upon the day and at the hour and place which shall be appointed by the President, and notice whereof shall be given in one or more newspapers published in the Towns of Picton or Belleville and in the City of Montreal, or by a letter mailed or delivered to each shareholder at least fifteen days before the day appointed for such election; and the said election shall be had and made by the stockholders of the said Company present at the said meeting, personally or by their proxies,—they being of the form mentioned in the Schedule (A) annexed to the present Act; and all elections of Directors shall be by ballot or by open vote, as may be prescribed by the by-laws of the said Company; The Directors elected shall choose out of their number a President, and it shall be the duty of the said President to preside at all general or special meetings of the stockholders or Directors; the President may vote at all meetings of the Directors and other meetings, and in case of an equal division of votes, he shall also have a casting vote; Any vacancy among the Directors occasioned by death, resignation, absence from the Province, or any other cause, shall be filled by such person or persons as the remaining Directors, or a majority of them may appoint; and it shall be lawful for the stockholders, at any meeting specially called for that purpose, to remove all or any of the said Directors, and to appoint others in their stead, in the manner as at the annual election of Directors is hereby provided for.

Election of directors.

Notice of meeting for election.

President and how he may vote.

Filling vacancies.

Removal of directors.

4. Each stockholder shall be entitled to one vote for each share he shall have held in his name, at least one month previous to the time of voting; and all questions brought before the stockholders at any general or special meeting, shall be decided by a majority of such votes given by the stockholders then present, or by their proxies, and in case of an equality of votes, by the casting vote of the President.

One vote for each share.

Casting vote.

5. The President, or any two or more Directors, may at any time, and from time to time, call a meeting or meetings of the stockholders, either for general or special purposes; and any four stockholders may at any time call special meetings of the

Special general meetings, how called, &c.

the

the Company, upon giving at least ten days notice by advertisement, in one or more newspapers published in the Towns of Picton or Belleville, and in the City of Montreal, or by sending a written or printed notice to each stockholder, by post or otherwise.

Provision in case of failure of election.

6. If at any time it shall happen that an election of Directors shall not be made, when on any day, pursuant to this Act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election in the same manner as the annual election of Directors is herein directed to be made.

Limited liability of stockholders.

7. Every stockholder of the said Company shall, until the full amount of his stock be paid up, be jointly and severally liable for all debts and contracts made by the said company,—but not to a greater amount than a sum equal to the amount of his subscribed stock; and every stockholder may pay up the full amount of his stock at any time after he has subscribed for the same; and after his own stock has been paid up, no stockholder shall be personally liable for or charged with any debt whatever of the said Company, save and except as hereinafter mentioned.

If all their stock be paid up.

Exception.

8. The stockholders in the said Company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof for services performed for the said Company; but no stockholder in the said Company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act for the payment of any debt contracted by the said Company which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the Company within one year after the debt became due; and no suit shall be brought against any stockholder in the said Company for any debt so contracted unless the same be commenced within two years from the time he ceased to be a stockholder in the said Company, nor until an execution against the said Company has been returned unsatisfied in whole or in part.

Liability for wages, &c., in certain cases.

Notice of limited liability to be posted at place of business and given in certain other ways.

9. The said Company shall, in some conspicuous part of every building or place whereat the business or any part of the business thereof is carried on, cause to be constantly inscribed in plain and distinct letters and figures of at least one-half inch in length and of proportionate breadth, as well the name and style of the said Company as the amount of the capital stock thereof; and such name, style and capital shall also be written or printed in letters, at least as large and distinct as any other used in the same document, at the head of every promissory note, draft, check, order, bond, contract, agreement, bill,

bill of parcels or other document, purporting to be made or signed by any Director or officer of the said Company, or in any way to bind or oblige the said Company; and the Directors shall be personally and jointly and severally liable for every contract, promise or engagement made in the name of the said Company at any time when such name, style and amount of capital stock has not been so inscribed at any such place, or by virtue of any such document at the head of which the same has not been written or printed in the manner hereby required.

Liability of directors in default of such notice.

10. It shall be the duty of the directors to make yearly dividends of the profits of the said Company, as to them, or a majority of them, shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the Company, and to be open to the perusal of any stockholder.

Yearly statement and dividends.

11. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof according to the form prescribed in the Schedule (B) hereunto annexed; 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; provided always, that the transferrer shall always be held personally liable to the said Company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer; and provided also that no share in the capital stock of the said Company which has not been paid up in full shall be transferred without the consent of the Board of Directors, expressed by a resolution passed at a general or special meeting thereof.

Transfer of shares.

Proviso.

Proviso.

12. If the Directors of the said Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof files a written statement of such objection in the office of the Secretary of the Company, such Director shall be exempt from such liability.

Liability of directors illegally declaring a dividend.

Exception.

13. If the indebtedness of the said Company at any time exceeds the amount of its capital stock the Directors assenting thereto shall be personally and individually liable to the creditors of the said Company for such excess.

Or contracting excessive debt.

14. The present members of the Committee of the said Company, and the President or General Manager thereof, shall continue in office as Directors until the next annual and general

Present directors continued until others are elected.

general meeting of all the stockholders; and the Directors to be elected annually, shall continue in office until the appointment of their successors, as provided by this Act.

Service of process, &c., on the company.

15. Any service of process made at the office of the Company in the Town of Picton, or in the City of Montreal, and in case the Company should have no such office, then upon the President or General Agent or Manager of the Company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Public Act.

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

SCHEDULES MENTIONED IN THE FOREGOING ACT.

SCHEDULE A.

Bay of Quinte and River St. Lawrence Steamboat Company.

I, A. B., of _____, one of the shareholders of the "Bay of Quinte and River St. Lawrence Steamboat Company," hereby appoint C. D., of _____, 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.

Bay of Quinte and River St. Lawrence Steamboat Company.

For value received from _____ of _____ I (or we) do hereby assign and transfer to _____ of _____ shares (on each of which has been paid _____ dollars _____ cents) in the capital stock of the Bay of Quinte and River Saint Lawrence Steamboat Company, subject to the rules and regulations of the said Company, hereby obliging myself (or ourselves) to fulfil the conditions imposed by the proviso contained in the ninth section of the Act of Incorporation of the said Company.

In testimony whereof I (or we) have signed these presents at the _____ of _____ this _____ day of _____ one thousand eight hundred and _____

Signature of the transferer or of his attorney.

Witness,

I (or we) do hereby accept the foregoing assignment of shares in the capital stock of the Bay of Quinte and River St. Lawrence Steamboat Company assigned to me (or us) as above mentioned, this _____ day of _____ one thousand eight hundred and _____

Witness:

Signature of the transferee or of his attorney.

C A P . L X V .

An Act respecting the Kingston Marine Railway.

[Assented to 15th October, 1863.]

WHEREAS the Honorable Alexander Campbell, Charles Smith Ross, of the City of Kingston, Esquire, Cashier of the Commercial Bank of Canada, and Samuel Taylor, of the same place, Esquire, Manager at Kingston, aforesaid, of the Bank of British North America, have, by their petition, represented that, the Kingston Marine Railway Company being owners of the property hereinafter described, by an indenture made the first day of May, eighteen hundred and fifty-three, between the said Company, of the first part, and the said petitioners, of the second part, after reciting that the said Company in pursuance of the powers conferred upon them by their Act of incorporation, had constructed a Marine Railway at Kingston aforesaid, and erected divers warehouses, docks and wharves, and were then operating the said Railway and were desirous, for purposes connected therewith, of raising the sum of Ten Thousand Pounds Sterling, to be applied in and about the business of the said Company, and in the due exercise of their corporate powers, and further reciting that, for the purpose of raising said loan the said Company had executed and intended to issue twenty bonds for Five Hundred Pounds Sterling each, which bonds were payable on the first day of May, eighteen hundred and sixty-three, with interest thereon meanwhile half yearly, it was witnessed, that to secure the said bounds, the said Company granted, bargained and sold to the petitioners and the survivors of them, and their successors, in trust, all and singular the Marine Railway, constructed by the said Company in the City of Kingston, with all the carriages, machinery and appurtenances connected therewith, and all and singular those certain parcels and tracts of land situate, lying and being in the Town of Kingston, in the County of Frontenac, in the Midland District of the Province of Canada, containing, by admeasurement, four acres and one half acre, be the same more or less, being composed of that tract or block of land in front of lots twenty-nine and thirty, and situate between Front Street and Lake Ontario, and between Point Street, and School Street, and also that parcel of land being the tract or block of land in front of lots twenty-seven and twenty-eight, and being between Front Street and Lake Ontario, and between Point Street and Centre Street; and also all that parcel of land covered with water being water lots in front of Town lots twenty-nine and thirty, and extending from Point Street to School Street; and also all that parcel of land covered by water, being the water lot in front of Town lot twenty-eight, and extending from Point Street to the water lot in front of number twenty-seven, all of which are more particularly described in the Letters Patent for the same from the Crown to the said Company, bearing date

Preamble.

Deed of assignment (1st May, 1853), of certain property of the company in trust, recited.

Real property described.

the twentieth day of June, eighteen hundred and forty-one, and also water lot number twenty-seven, in the Town of Kingston aforesaid, together with all and singular the privileges, profits, hereditaments and appurtenances to the said parcels or tracts of land and water belonging; or in any wise appertaining, with all and singular the Marine Railway, warehouses, docks and wharves on the said premises erected and being; to have and to hold the said premises thereinbefore granted and assigned or intended so to be, to them, the petitioners, and the survivor of them and their and his successors, in trust for the person or persons, bodies politic or corporate, who should become holders of the said bonds or any of them; and by the said indenture it was further witnessed, that if default should be made in the payment of either principal or interest of the said twenty bonds so to be issued as aforesaid, or any of them, then and from thenceforth it should and might be lawful for the petitioners, or the survivor of them, or their or his successors, upon the request in writing of any one of the holders of the said bonds, or of any one or more of the said bonds, on which the interest or principal was then due and unpaid, to enter in and upon and take possession of all and singular the premises, including the personal property thereby granted, or intended so to be, and by themselves, or one of them, or of their agents, take and receive the rent, income and profits of the said mortgaged premises, for the purpose of the security thereinbefore declared, and to sell and dispose of the said mortgaged premises, or as much thereof as might be, together or in part, necessary, and all benefit or equity of redemption of the said Company therein, and sell and dispose of the personal property thereinabove mentioned, by public auction, giving reasonable public notice of the time and place of sale, and if need be, as the Attorneys of the said Company, for that purpose by the said indenture duly constituted, to make and deliver to the purchasers thereof good and sufficient Deeds of Conveyance for the same in fee simple or absolutely, and out of the moneys arising from said sale, to pay the said bonds; and whereas the said petitioners have, by their said petition, further represented that, by another mortgage, dated the twenty-eighth day of September, eighteen hundred and fifty-three, between the said Company, of the one part, and the said Honorable Alexander Campbell, of the other part, after reciting that the said Company had issued twenty bonds for one hundred pounds currency, each, the said Company granted, bargained and sold to the said Honorable Alexander Campbell the lands described in the said first mortgage, and also certain other lands situate in the Village of Portsmouth, in the Township of Kingston, and described in a Deed, dated the fifth day of July, eighteen hundred and forty-one, and made between David Gilmour, therein described, of the one part, and the late Henry Gildersleeve, President of the said Company, of the other part; To have and to hold the same unto the said Honorable Alexander Campbell, his heirs and assigns, for ever, subject to redemption on payment of the said twenty bonds of one hundred pounds

Mortgage of
other property
(23th September,
1853.)
recited.

pounds each, according to the tenor and effect thereof; and that a third mortgage was afterwards executed by the said Company to William G. Hinds and George Davidson, therein described as Trustees, to secure certain other bonds of the said Company to the amount of four thousand pounds, and that the Company afterwards became insolvent; and that several persons obtained judgments against the said Company, for debts due them by the said Company, and registered the same in the County of Frontenac, where the said lands are situate, and that the said Company having made default in paying the bonds secured by the said second mortgage, the said Honorable Alexander Campbell, as Trustee, and Orton Hancox, Robert Smith and James A. Harvey, the holders of the bonds, on the tenth day of June, in the year one thousand eight hundred and fifty-nine, filed a bill of foreclosure in the Court of Chancery, against the said Company; and that the said William G. Hinds and George Davidson, Trustees, under the third mortgage, and the registered judgment creditors of the said Company, were made defendants in the master's office, and that, on the tenth day of November, in the year one thousand eight hundred and sixty-two, a final order of foreclosure was obtained against all the said defendants; and whereas the said Petitioners have, by their said Petition, further represented that the said Company has no more property, and that the last Manager and last Secretary of the said Company are dead, and that for several years there has been no meeting of the shareholders and no election of Directors, no President and no officers of the said Company, and that no persons have acted as Directors of the said Company, for several years, nor has the said Company had, nor has the said Company now, any other officers, and that no one has pretended to do any business for or on behalf of the said Company since the said foreclosure; and whereas the said Petitioners have, by their said Petition, further represented that the bonds contemplated by the said first mortgage were duly issued and disposed of, and are now outstanding, that default was made in paying thereon as thereby provided, that in consequence of such default the said petitioners have, as Trustees, been in possession of the said property for some years, that the principal money mentioned in the bonds is due on the first of May, in the present year, that no part of it has been provided for or paid, and that there is a large arrear of interest also due on the said bonds, and that the said petitioners are desirous of selling the property embraced in the said first mortgage, but questions have arisen as to their powers and duties in this behalf and as to the effect of the said instruments and proceedings and the estate and rights which a purchaser from the said petitioners would acquire, and the said petitioners have, therefore, prayed for a declaratory Act to remove all such doubts; 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, declares and enacts as follows:

Third mortgage recited.

Insolvency of the company.

Bill of foreclosure.

Final order of foreclosure.

Doubts recited.

Effect of deed of bargain and sale of the trust property by the trustees, and rights and powers of purchasers of the same from them, defined.

1. A deed of bargain and sale from the said Honorable Alexander Campbell, Charles Smith Ross and Samuel Taylor, to any purchaser from them of the said property or any part thereof, his heirs and assigns, shall convey to and vest in the purchaser a good title to the use of himself and his heirs and assigns as against the said Company, and all persons claiming through the said Company, under any of the instruments hereinafore mentioned; and the purchaser, his heirs and assigns, shall be entitled to exercise for his and their own use, all the rights and powers in relation to the said property which the said Company could do under their Act of incorporation and the Act amending the same, but may make any other use of the property he or they shall from time to time think proper, as well as the use or uses contemplated by the said Acts.

Purchasers not to be bound to see to the fulfilment of the trust.

2. The purchaser shall not be bound to see to the application of the purchase money; but the Trustees shall be bound to duly apply the same according to the trusts reposed in them and the rights of the bondholders.

C A P. L X V I.

An Act to incorporate the Sutton Mining Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS 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 Sutton, county of Brome, in the district of Bedford, 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. Daniel McLaughlin, Albert Knight and Walter Shanly, 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 Sutton Mining Company."

Corporate name.

Business of the company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores and metals, and for these purposes, may acquire and hold, by purchase, lease or other legal title, such lands and mining rights in the county aforesaid, not exceeding, at any time, 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,

Real property.

as

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 operations beyond the limits of the said county, but such Company may carry on smelting and manufacturing operations elsewhere in this Province than in the said county.

Proviso.

3. The capital stock of the Company shall be the sum of two hundred and fifty thousand dollars, divided into fifty 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 ; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bona fide* paid in.

Capital stock.

Shares.

Increase.

Proviso.

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.

Calls on stock.

Forfeiture of stock for non-payment.

5. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe ; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personalty ; 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 : one for each share.

Proxies.

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,

Directors.

Qualification.

who

Election. 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, until otherwise provided by the by-laws, shall be a quorum thereof ;

Quorum. and in case of the death, resignation, removal or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified shareholder thereto ; but a failure to elect Directors, or any failure of Directors, shall not dissolve the Corporation, and an election may be had at any general meeting of the Company called for the purpose ; Provided, always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Vacancies.

Failure not to dissolve, &c.

Proviso.

Powers of directors.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company, and make or cause to be made any purchase and any description of contract which the Company may by law make ; to adopt a common seal ; to make, from time to time, any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock, and payment thereof ; the issue and registration of certificates of stock ; the forfeiture of stock 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.

By-laws must be confirmed by stockholders.

Proof of By-laws.

Provisional directors.

9. Until the first election of such Board, the said Walter Shanly and Albert Knight, Lester M. Clark, William F. Matchett and George R. Carter, shall be a Provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company, at such time and place within
this

this Province as they shall determine, and 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 printed in the district of Bedford, (if any) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Proviso: notice of meetings.

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.

Places of business in the Province or elsewhere.

11. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the Company, 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.

Company not bound to see to trusts on stock.

12. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. 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 said Company shall issue no bank note or note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

14. 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; Provided always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bona fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence business.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . L X V I I .

An Act to incorporate the Leeds Copper Mining and Smelting Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS 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 county of Megantic, in this Province, 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. Thomas Cross, Thomas Bacon, James Muir, H. J. Lawton and John C. Davie, 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 Leeds Copper Mining and Smelting Company."

Corporate name.

Business of the company.

Real property.

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 and such mining rights in 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.

Capital stock.

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; provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Proviso.

Calls on stock.

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,

Forfeiture of stock for non-payment.

after

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.

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.

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 three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any director, such board, if they see fit, may fill the vacancy, until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Directors.

Election and qualification.

Quorum.

Vacancies.

Provision in case of failure to elect.

8. The board of directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock, and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock 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

Powers of directors.

Making By-laws for certain purposes.

(if

(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.

By-laws must be confirmed by stockholders.

Proof of by-laws.

Provisional directors.

Their powers.

Proviso: notice of meetings.

Places of business in the Province or elsewhere.

Company not bound to see to trusts on stock.

Liability of shareholders limited.

9. Until the first election of such board, the said Thomas Cross, Thomas Bacon, James Muir, H. J. Lawton, and John C. Davie, 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 or elsewhere as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs; provided, always, that notice of all meetings of the company shall be given in some newspaper published in the district of Athabaska, 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 this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

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

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 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 said company be affixed thereto, nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

14. 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; provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act by non-user.

15. This Act shall be deemed a Public Act.

Public Act.

CAP. LXVIII.

An Act to incorporate the Upton Copper Mining and Smelting Company.

[Assented to 15th October, 1863.]

WHEREAS 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 Counties of Drummond and Bagot, in this Province; 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. Hugh Clark, Alexander Milloy, W. W. Stuart, W. E. Eastly, and George B. Muir, 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 *Upton Copper 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

Business of the company.

ores

Real property. ores and metals, and for these purposes only may acquire and hold, by purchase, lease, or other legal title, such lands and such mining rights in lands in the counties 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.

Capital stock. **3.** The capital stock of the Company shall be the sum of
 Shares. five hundred thousand dollars, divided into one hundred
 Increase. 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; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bonâ fide* paid in.

Calls on stock. **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.

Forfeiture of stock for non-payment.

Stock to be personally; how assignable. **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.

Votes. **6.** At all meetings of the Company, every shareholder, not being in arrear in respect to 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.

Proxies.

Directors. **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

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 three members of such Board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified shareholder thereto; but a failure to elect Directors, or any failure of Directors, shall not dissolve the corporation; and an election may be had at any general meeting of the Company called for the purpose.

Election.
Qualification.
Quorum.
Vacancies.

Provision in case of failure of election.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company; and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock, 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 by stockholders.

Proof of by-laws.

9. Until the first election of such Board, the said Hugh Clark, Alexander Milloy, W. J. Stuart, W. E. Eastly, and George B. Muir, 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 or elsewhere as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs;

Provisional directors.

Their powers.

Proviso :
notice.

affairs; Provided, always, that notice of all meetings of the Company shall be given in some newspaper published in the district of St. Hyacinth, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Places of
business in
the Province
or elsewhere.

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 this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not
bound to see to
trusts on stock.

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

Liability of
shareholders
limited.

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 company
may become
parties to con-
tracts, 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 said Company be affixed thereto, nor shall such Directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said Company shall issue no bank note, or note to circulate as money.

Proviso.

When to com-
mence busi-
ness.

Proviso : for-
feiture of Act
for non-user.

14. 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; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. LXIX.

An Act to incorporate the Harvey Hill Mining and Smelting Company of Leeds, in the County of Megantic, Canada East.

[Assented to 15th October, 1863.]

WHEREAS the persons hereinafter named have, by petition, represented that certain of them have acquired and hold divers valuable properties and mining rights, and have entered into contracts and made arrangements at much cost for prosecuting researches for mineral ores, and locations favorable for mining in the County of Megantic, and that they are desirous unitedly and with others to prosecute such researches and carry on the business of mining on an extensive scale in Lower Canada, but cannot do so to advantage unless by the aid of an Act of incorporation, and have therefore 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:

1. James Foley, Peter Clarke, Lester W. Clarke, B. S. Rotch and L. A. Plummer, Esquires, together with all such other persons as 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 "Harvey Hill Mining and Smelting Company of Leeds, in the County of Megantic, Canada East."

2. The Company may engage in and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals, within the said County of Megantic, and of 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.

3. The Company may, by any legal title, acquire and hold any land necessary or requisite for the carrying on of such business, or mining rights in lands in the said County of Megantic and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the Company may deem for its advantage, not at any time exceeding two thousand acres.

4. The Capital Stock of the Company shall be the sum of one million dollars, divided into two hundred thousand shares of

of five dollars each, and may be increased as hereinafter provided.

Calls. 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.

Interest on calls unpaid.

Enforcement of calls: what only need be alleged in action.

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, 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 an 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.

Evidence.

Forfeiture for non-payment of calls.

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: calls must be first paid.

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.

Increase of capital.

10. 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 two million dollars; and

and in such case, the new Stock shall be paid in upon such conditions, at such times and places, and in such manner, as the Company at such meeting shall have ordained, or (in default of express provision 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; and upon such increase of their Capital Stock, the Company, for the purposes of their business only, may acquire and hold real estate to a proportionately increased amount, with power always to sell, lease, or otherwise dispose thereof, as they shall see fit; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bonâ fide* paid in.

Increase of
real estate.

Proviso.

11. At all meetings of the Company, every shareholder not being in arrear in respect of 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.

Votes.

Proxies.

12. The affairs of the Company shall be administered by a Board of five 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 three members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any Director, such board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified shareholder thereto.

Directors.

Quorum.

Vacancies.

13. 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.

Provision in
case of failure
to elect.

14. Until the first election of such board, the said James Foley, Peter Clarke, Lester W. Clarke, B. S. Rotch and L. A. Plummer, shall be the Provisional Board of Directors of the Company, with power to fill vacancies occurring therein, 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,

Provisional
directors.

Their powers.

Proviso: notice of meetings.

and to do all other acts required to be done in order to the organization of the Company, and the conduct of its affairs; Provided, always, that notice of all meetings of the Company shall be given in some newspaper published in the district of Arthabaska (if any) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Powers of board of directors.

To make By-laws for certain purposes.

15. The board 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 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 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 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 that 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 any officer of the Company, shall be received as *prima facie* evidence of such by-law, in all courts of law.

By-laws must be confirmed by general meeting.

Proof of By-laws.

Places of business and agencies.

16. In addition to the ordinary place of business within the 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, 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 may, at any one of such places of business, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

17. 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 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.

Company not bound to see to trusts on stock.

18. 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 their shares in the stock thereof.

Limited liability of shareholders.

19. 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, or 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.

How company may become parties to contracts, notes, &c.

Proviso.

20. 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; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof and be continued *bona fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When company may commence operations. Proviso: forfeiture of Act by non-user.

21. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X .

An Act to incorporate the St. Flavien Mining and Smelting Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS 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 Parish of St. Flavien, in the County of Lotbinière, in the District of Quebec, 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. William H. Webb and Walter Shanly, 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 St. Flavien Mining and Smelting Company."

Corporate name.

Business of the company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands and mining rights in land in the County aforesaid, not exceeding at any time 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 operations beyond the limits of the said County, but the Company may carry on smelting and manufacturing operations elsewhere in this Province than in the said County.

Real property.

Proviso.

Capital stock. Shares.

Increase.

Proviso.

3. The capital stock of the Company shall be the sum of two hundred and fifty thousand dollars; divided into such a number of shares not exceeding twenty-five dollars each, and not less than five dollars, as the Directors shall determine; which said capital stock 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; Provided always, that no such increase of stock shall be made until after the whole

whole amount of the original stock of the Company shall have been *bonâ fide* paid in.

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.

Calls on stock.

Forfeiture of stock for non-payment.

5. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stocks to be personalty: how assignable.

6. At all meetings of the Company every shareholder, not being in arrear in respect to 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.

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 four members of such Board, 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; Provided always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in case of failure to elect.

Proviso.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company, and make or cause

Powers of directors.

cause

Making By-laws for certain purposes.

cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make from time to time any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock, and payments 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.

By-laws must be confirmed by stockholders.

Proof of By-laws.

Provisional directors.

Their powers.

Proviso: notice of meetings.

Places of business in the Province or elsewhere.

Company not bound to see to trusts on stock.

9. Until the first election of such Board, the said Walter Shanly, and W. L. Thompson, W. S. Hunter, S. D. Nickerson, W. S. Eaton, C. W. Galloupe, J. W. Wolcott and S. L. French shall be a provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company, at such time and place within this province as they shall determine, and 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 Quebec 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 in 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.

11. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of

of any shares; 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 the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

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 said Company shall issue no Bank Note, or Note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

14. 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; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bona fide*, this Act of incorporation, shall be null and void, saving only to the said Company, the power and right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I .

An Act to incorporate the Missisquoi Mining and Smelting Company.

[Assented to 15th October, 1863.]

WHEREAS 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 County of Missisquoi, in the District of Bedford, 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:

Preamble.

Therefore,

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

Incorporation.

1. Albert Phelps Ball, Augustine Shirtleff, James Reed, and Carlos Pierce, 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 Missisquoi Mining and Smelting Company."

Corporate name.

Business of the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the county aforesaid, not at any time 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 operations beyond the limits of the said county, but said company may carry on smelting and manufacturing operations within this Province beyond the limits of said county.

Real property.

Proviso.

Capital stock. Shares.

Increase.

Proviso.

3. The capital stock of the company shall be the sum of two hundred and fifty thousand dollars, divided into fifty 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; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Calls on stock.

Forfeiture of stock 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 fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

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.

Stocks to be
personally;
how assign-
able.

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.

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 four members of such Board, 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; Provided, always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in
case of failure
to elect.

Proviso.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by by-law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock, 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

Powers of
directors.

Making By-
laws for certain
purposes.

imposition

By-laws must be confirmed by stockholders.

Proof of By-laws.

Provisional directors.

Their powers.

Proviso: notice of meetings.

Places of business in the Province or elsewhere.

Company not bound to see to trusts on stock.

Liability of shareholders limited.

How company may become parties to con-

imposition and recovery of all penalties and forfeitures admitting of regulations 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.

9. Until the first election of such board, the said Albert Phelps Ball, Augustine Shurtleff, James Reed, and Carlos Pierce and Albert Knight, shall be a Provisional Board of Directors of the company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province 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 Bedford, (if any) 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 order, 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 shares, 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 shares whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

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 said company shall issue no Bank Note; or Note to circulate as money.

tracts, notes,
&c.

Proviso.

14. 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; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

When to com-
mence busi-
ness.
Forfeiture of
Act for non-
user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X I I .

An Act to incorporate the Vale Mining Company.

[Assented to 15th October, 1863.]

WHEREAS 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 Acton, County of Bagot, in the District of St. Hyacinth, 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. Daniel McLaughlin, Albert Knight and Walter Shanly, 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 Vale Mining Company."

Incorporation.

Corporate
name.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores and metals, and for these purposes, may acquire and hold by purchase, lease or other legal title, such lands and mining rights in lands in the county aforesaid, not exceeding at any time 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;

Business of
the company.

Real property.

- Proviso. advantage ; and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals ; Provided, however, that the acquisition of any such royalty or percentage shall not entitle the Company to carry on any mining operations beyond the limits of the said county, but such Company may carry on smelting and manufacturing operations elsewhere in this Province than in the said county.
- Capital stock. **3.** The capital stock of the Company shall be the sum of two hundred and fifty thousand dollars, divided into fifty 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 ; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bonâ fide* paid in.
- Shares. Increase. Proviso. Calls on stock. **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.
- Forfeiture of stock for non-payment of calls. **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 the instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.
- Stocks to be personally ; how assignable. Votes. **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.
- Proxies. Directors. **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
- Qualification.

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, 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; Provided, always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Election.

Quorum.

Vacancies.

Provision in case of failure to elect.

Proviso.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company, and make or cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make from time to time any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock, and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock 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 by stockholders.

Proof of By-laws.

9. Until the first election of such Board, the said Albert Knight and Stephen M. Weld, Lester M. Clark, Charles S. Randall, Frederick T. Bush, James M. Keith, Thomas Parsons and Charles D. Head, shall be a Provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of

Provisional directors.

Their powers.

of the Company, at such time and place within this Province as they shall determine, and do other acts necessary or proper to be done to organize the Company and conduct its affairs; **Provido**: notice of meetings. **Provido**: notice of meetings. Provided, always, that notice of all meetings of the Company shall be given in some newspaper printed in the district of Saint Hyacinth, (if any) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Places of business in this Province or elsewhere. **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 on stock. **11.** The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the Company, 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.

Liability of shareholders limited. **12.** The shareholders of the Company shall not, as such, be held responsible for any act, default or liability, whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid upon their shares in the stock thereof.

How company may become parties to contracts, 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 said Company shall issue no Bank Note or Note to circulate as money.

When to commence business. **14.** 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; **Provido** always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bona fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act. **15.** This Act shall be deemed a Public Act.

CAP. LXXIII.

An Act to incorporate the Logan Mining and Smelting Company.

[Assented to 15th October, 1863.]

WHEREAS 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 county of Brome, in the district of Bedford, 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:

1. Ozro Morrill, Albert Knight, Albert Phelps Ball, Benjamin Pomroy and Charles C. Colby, 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 Logan Mining and Smelting Company."

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 and mining rights in lands in the county aforesaid, not at any time 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 operations beyond the limits of the said county, but said Company may carry on smelting and manufacturing operations elsewhere within this Province than in said county.

3. The capital stock of the Company shall be the sum of two hundred and fifty thousand dollars, divided into fifty 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; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bonâ fide* paid in.

Calls on stock.

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 fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws or votes of the Company may provide.

Forfeiture of stock for non-payment of calls.

Stock to be personally : how assignable.

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.

Votes.

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.

Proxies.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in case of failure to elect.

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 four members of such Board, 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; Provided, always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Powers of directors.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company, and make or cause to be made any purchase and any description of contract which the Company may by by-law make, to adopt a common seal,

seal, to make, from time to time, any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock, 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 regulations 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 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.

Making By-laws for certain purposes.

By-laws must be confirmed by stockholders.

Proof of By-laws.

9. Until the first election of such Board, the said Ozro Morrill, Albert Knight, Albert Phelps Ball, Benjamin Pomroy and Charles C. Colby, 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, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs; Provided, always, that notice of all meetings of the Company shall be given in some newspaper published in the district of Bedford, (if any,) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional directors.

Their powers.

Proviso: notice of meetings.

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 this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business in this Province or elsewhere.

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

Company not bound to see to trusts on stock.

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.

Liability of shareholders limited.

12. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid upon their shares in the stock thereof.

How company may become parties to contracts, 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 said Company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said Company shall issue no bank note, or note to circulate as money.

Proviso.

When to commence business.

Proviso: forfeiture of Act for non-user.

14. The Company shall not commence operations under this Act, until at least five per centum of the amount of their capital stock shall have been paid in; Provided, always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P . L X X I V .

An Act to incorporate the Drummondville Mining Company of Canada East.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named, trustees of the Drummondville Mining Company incorporated under chapter sixty-three of the Consolidated Statutes of Canada, have, by petition, represented, that they have acquired and hold divers valuable properties and mining rights, of the value of fifty thousand dollars, on the St. Francis River, in Lower Canada, and have entered into contracts and made arrangements, at much additional cost, for prosecuting researches for mineral ores on their acquired properties, and that they are desirous to prosecute such enterprize on a larger scale, but cannot do so to advantage unless by aid of a charter of incorporation, and have therefore prayed for the passing of an Act to that end; and

and whereas it is expedient that their prayer be granted :
Therefore, Her Majesty, by and with the advice and consent of
the Legislative Council and Assembly of Canada, enacts as
follows :

1. James McKirdy, Thomas Frizzle, John Burns, William McKee, Hugh Miller, John Gordon Brown, John Ritchey, Jr., together with all such other persons as 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 "Drummondville Mining Company Canada East." 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 limits of the county of Drummond, and of 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 land in or upon which such things are to be done. Business of the company.

3. The company may, by any legal title, acquire and hold any land or mining rights on lands in the said county of Drummond necessary or requisite for the carrying on of such business as aforesaid, provided the total price or purchase money thereof, as held at any one time, do not exceed one hundred thousand dollars; and they may sell, lease or otherwise dispose of the same and acquire others in their stead, as they shall see fit, not at any time exceeding two thousand acres. Real property.

4. The capital stock of the company shall be the sum of one hundred thousand dollars, divided into twenty thousand shares of five dollars each, to be paid for at the time of subscribing, and may be increased as hereinafter is provided. Capital stock.
Shares.

5. 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. Stock to be personalty; how assignable.

6. 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 two hundred thousand dollars; and in such case, the new stock shall be paid in upon such conditions, at such times and place, and in such manner, as the company at such meeting shall have ordained, or (in default of express provision to that end, then) upon such conditions, at such time and place, and in such manner How the capital stock may be increased.
Calls on new stock.

- 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; and upon such increase of their capital stock, the company, for the purposes of their business only, may acquire and hold real estate to a proportionately increased amount, with power always to sell, lease, or otherwise dispose thereof, as they shall see fit; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- 7.** At all meetings of the company, every shareholder shall be entitled to as many votes as he holds shares in the stock of the company; all votes may be given in person, or by proxy.
- 8.** 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 shall, until otherwise provided by by-law, 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.
- 9.** 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.
- 10.** Until the first election of such board, the said James McKirdy, Thomas Frizzle, John Burns, William McKee, Hugh Miller, John Gordon Brown and John Ritchey, Jr., 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 to the organization of the company, and the conduct of its affairs; Provided always, that notice of all meetings of the company shall be given in some newspapers published in the district of Arthabaska, and in the city of Toronto (if any) and also in the *Canada Gazette* at least fifteen days before the holding of such meeting.
- Increased extent of real estate.
- Proviso.
- Votes.
- Proxies.
- Directors.
- Qualification.
- Election.
- Quorum.
- Vacancies.
- Provision in case of failure of election.
- Provisional directors.
- Their powers.
- Provisional By-laws, &c.
- Proviso: notice of meetings.

11. The board 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, as to calls and 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 payment of dividends, the appointment, functions, duties, and removal of all agents, officers and servants of the company, their remuneration, 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 that 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 any officer of the company, shall be received as *prima facie* evidence of such by-law, in all courts of law; Provided always, that voting by proxy shall not be allowed at any meeting of the board of directors.

Powers of directors.

Making By-laws for certain purposes.

By-laws must be confirmed by stockholders.

Proof of laws.

Proviso.

12. The company may establish an office at Drummondville, in Canada East, and another at Toronto, and may 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 either of such places of business they may name one or more agents for all or any of such purposes, and may remunerate them as they shall see fit; and they may, by by-law or otherwise, in all things regulate and order the mode of transaction of all manner of business, to be so done thereat.

Places of business.

13. 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 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.

Company not bound to see to trusts on stock.

Liability of shareholders limited.

14. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatever 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 their shares in the stock thereof.

How company may become parties to contracts, notes, &c.

15. 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 or 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.

Proviso.

When to commence business.

Proviso: forfeiture of Act for non-user.

16. The company shall not commence operations under this Act, until at least ten *per cent* of the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof and be continued *bonâ fide*, this Act of incorporation shall be null and void saving only to the said company the power and right to part with any real estate which they may hold and to make such conveyance as may be necessary for that purpose.

Public Act.

17. This Act shall be deemed a Public Act.

C A P . L X X V .

An Act to incorporate the Clark Mining and Smelting Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented, that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the township of Ascot and elsewhere, in the district of St. Francis, in this Province, 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

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 :

1. E. Clark, E. L. Brooks, L. E. Morris, John Johnston, and E. H. Clark, 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 Clark 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 may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time 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 operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in this Province than in the said district.

Business of the company.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of four hundred thousand dollars, divided into shares of not less than 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; provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bond fide* paid in.

Capital stock.

Shares.

Increase.

Proviso.

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.

Calls on stock.

Forfeiture of stock for non-payment.

Stock to be personally; how assignable.

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.

Votes.

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.

Proxies.

Directors.

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 four members of such board, 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; provided, always, that voting by proxy shall not be allowed at any meeting of the board of Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in case of failure of election.

Proviso.

Powers of directors.

8. The board of directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock, and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock 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

Making 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 must be confirmed by stockholders.

Proof of By-laws.

9. Until the first election of such board, the said E. Clark, E. L. Brooks, L. E. Morris, John Johnston, and E. H. Clark, shall be a provisional board of directors of the company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province as they shall determine, and 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 St. Francis (if any) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional directors.

Their powers.

Proviso: notice of meetings.

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.

Places of business in this Province or elsewhere.

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.

Company not bound to see to trusts on stock.

12. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. 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

How company may become parties to contracts.

tracts, notes,
&c.

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 said company be affixed thereto; nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money.

Proviso.

When to com-
mence busi-
ness.

Proviso: for-
feiture of Act
for non-user.

14. 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; provided, always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P. L X X V I.

An Act to incorporate the North Sutton Mining and Smelting Company.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the District of Bedford, and elsewhere in this Province, 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. James Foley, Charles Robb, Thomas Cross, Alfred A. Barber and Joseph Whyddon, 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 North Sutton Mining and Smelting Company."

Corporate
name.

Business of the
company.

Real property.

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 and such mining rights in 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 the same, and acquire others

others in their stead, as the company may deem to be for its advantage.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of not less than 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; provided always, that no such increase of stock shall be made until the whole amount of the original stock of the Company shall have been *bona fide* paid in.

Capital stock.
Shares.
Increase.
Proviso.

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 fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws or votes of the company may provide.

Calls on stock.
Forfeiture of stock for non-payment.

5. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personalty; 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.

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 three members of such Board, present in person, shall be a quorum thereof, and in case of the death, resignation, removal, or disqualification of any

Directors.
Qualification.
Election.
Quorum.
Vacancies.

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.

Provision in case of failure to elect.

Powers of directors.

Making By-laws for certain purposes.

By-laws must be confirmed by stockholders.

Proof of by-laws.

Provisional directors.

Their powers.

Proviso: notice of meetings.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock, 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.

9. Until the first election of such Board, the said James Foley, Charles Robb, Thomas Cross, Alfred A. Barber, and Joseph Whyddon, 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 or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organise 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 Bedford, 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 this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business in the Province or elsewhere.

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

Company not bound to see to trusts on stock.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. 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 said company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said company shall issue no Bank Note, or Note to circulate as money.

How company may become parties to contracts, notes, &c.

14. 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; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof and continued *bond fide*, this Act of incorporation shall be null and void saving only to the said company the power and right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X V I I .

An Act to incorporate the South Acton Mining Company of Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented, that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the Township of Acton, in the County of Bagot, in this 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. J. A. Dupee, John L. Colby, E. P. Bancroft, H. Sayles and Isaac Hartshorn, 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 South Acton Mining Company of Canada."

Corporate name.

Business of the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands or mining rights in lands in the county aforesaid, not at any time 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.

Real property.

Proviso.

Capital stock.

Shares.
Increase.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of not less than 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 ; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Calls on stock.

4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require,

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.

Forfeiture of stock for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be 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.

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 four members of such board, 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; Provided always that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in case of failure to elect.

Proviso.

8. The board of directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments

Powers of directors.

Making By-laws for certain purposes.

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.

By-laws must be confirmed by stockholders.

Proof of By-laws.

Provisional directors.

Their powers.

Proviso: notice of meetings.

Places of business in the Province or elsewhere.

Company not bound to see to trusts on stock.

9. Until the first election of such board, the said J. A. Dupee, John L. Colby, E. P. Bancroft, H. Sayles and Isaac Hartshorn, shall be a provisional board of directors of the company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province 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 St. Hyacinthe, (if any) 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 this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

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

not

not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. 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 said company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

14. 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; Provided always, that unless mining operations be commenced and continued, *bonâ fide*, under this Act, within five years from the passing thereof, this Act of incorporation shall be null and void, saving only to the said company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X V I I I .

An Act to incorporate the Orford Mining and Smelting Company of Lower Canada.

[Assented to 15th October, 1863.]

WHEREAS Walter Shanly, 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 Orford, in the district of St. Francis, Lower Canada, and that they can do so to better advantage by the aid of an Act of incorporation, and has 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:

Preamble.

1. M. A. Bissette, George Bonnallie, Walter Shanly, A. T. Galf, Thomas McCaw, J. B. Greenshields, Donald Lorn

Incorporation.

McDougall,

McDougall, and William A. Crocker, Esquires, 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 *Orford Mining and Smelting Company of Lower Canada*.

Corporate name.

Business of the company.

2. The Company may engage in and follow the business of carrying on explorations 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.

Real property.

3. The Company may, by any legal title, acquire and hold any lands or mining rights in the said district, necessary or requisite for the carrying on of such business, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the Company may deem for its advantage, not at any time exceeding two thousand acres.

Capital stock.
Shares.
Increase.

4. The Capital Stock of the Company shall be the sum of four hundred thousand dollars, divided into shares of not less than five dollars each, and may be increased as hereinafter is provided.

Calls on stock.

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.

Interest on calls
overdue.

Enforcing payment of calls
by action.

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, 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 an 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.

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.

Forfeiture of stock for non-payment of calls.

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.

Stock to be personalty; how assignable.

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.

Previous calls must be paid.

10. 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; 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 provision 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; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the said Company shall have been *bonâ fide* paid in.

Provision for increase of capital.

Rights and obligations of holders of new stock.

Proviso.

11. At all meetings of the Company, every shareholder not being in arrear in respect of 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.

Votes.

Proxies.

12. 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 three

Directors.

Qualification.

Election.

Quorum.

members

Vacancies. members of such Board present in person until otherwise provided by some By-law, 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; **Proviso.** Provided always that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Provision in case of failure of election. **13.** 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.

Provisional directors. **14.** Until the first election of such Board, the said M. A. Bissette, George Bonnallie, Walter Shanly, A. T. Galt, Thomas McCaw, J. B. Greenshields, Donald Lorn McDougall and William A. Crocker, shall be the Provisional Board of Directors of the Company, with power to fill vacancies occurring therein, 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 to the organization of the Company, and the conduct of its affairs; **Proviso: notice of meetings.** Provided always that notice of all meetings of the Company shall be given in some newspaper published in the District of St. Francis (if any), and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Powers of directors. **15.** The Board 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 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 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 the Directors and of the Company, the quorum, the requirements as to proxies of Shareholders, and the procedure in all things at such meetings, the site, their chief place of business and of any other offices which they may require to have, the imposition and recovery of all penalties.

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 must be confirmed by stockholders.

Proof of by-laws.

16. 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.

Places of business in this Province or elsewhere.

17. 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 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.

Company not bound to see to trusts on stock.

18. 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 upon their shares in the Stock thereof.

Liability of shareholders limited.

19. 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

How company may become parties to contracts, notes, &c.

note

Proviso.

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, or 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.

When to commence business.

Proviso: forfeiture of Act for non-user.

20. 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; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

21. This Act shall be deemed a Public Act.

C A P . L X X I X .

An Act to incorporate the South Sherbrooke Mining and Smelting Company of Canada.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of iron and other ores, in the County of Lanark, in this 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. Alexander Morris, John Deacon, the younger, William John Morris, Arthur Meighen, and William B. Lambé, 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 South Sherbrooke Mining and Smelting Company of Canada."

Corporate name.

Business of the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling iron and other ores and metals, and for these purposes only may acquire and hold, by purchase, lease or other legal title, such lands and mining

mining rights in lands in the county aforesaid, not at any time 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 iron 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.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of not less than 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; Provided always, that no such increase of the stock shall be made until after the whole amount of the original stock of the company shall have been *bona fide* paid in.

Capital stock.

Shares.

Increase.

Proviso.

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 fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Calls on stock.

Forfeiture of stock for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid; unless it has been declared forfeited for non-payment.

Stock to be personalty; 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.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Provision in case of failure to elect.

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 four members of such Board, 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; Provided always that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Powers of directors.

Making By-laws for certain purposes.

By-laws must be confirmed by stockholders.

Proof of By-laws.

Provisional directors.

Their powers.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock, the 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.

9. Until the first election of such board, the said Alexander Morris, John Deacon, the younger, Arthur Meighen, William J. Morris and William B. Lambe, shall be a Provisional Board of Directors of the company, with power to fill vacancies, to

open

open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province 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 County of Lanark, (if any) and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Proviso: notice of meetings.

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.

Places of business in the Province or elsewhere.

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

Company not bound to see to trusts on stock.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. 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 said company shall issue no Bank Note, or Note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

14. 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; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bond fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X .

An Act to incorporate the Royal Mining Company of Canada East.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS it has been represented by petition, that certain parties have acquired and hold valuable mining rights and properties in the Counties of Stanstead, Brome and Shefford, in Lower Canada, and have expended large sums of money in acquiring and preparing to prosecute the same, and that they are desirous of making researches, and carrying on the business of mining on an extensive scale, but cannot do so to advantage unless 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 their 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. Alfred B. Ely, Daniel D. Brodhead, Abner French, David C. Rogers and Henry E. Cobb, with such others as shall become shareholders of the Company hereinafter mentioned, are hereby constituted a body corporate and politic, by the name of the *Royal Mining Company of Canada East*.

Corporate name.

Business and corporate powers.

2. The Company may follow the business of exploring and mining for ores, metals, and minerals within the Counties of Stanstead, Brome and Shefford, and of reducing, manufacturing, and dealing in the same, and may do all things necessary thereto, consistently with the rights of other parties, and may by any legal title, acquire and hold any lands and mining rights, within the limits aforesaid, needful or proper for the carrying on of such business, not at any time exceeding two thousand acres in superficies; and all leases, rights and titles, legally acquired, shall be held and enjoyed by the said Company and its assigns, for and during the terms thereof, and they may sell, lease or otherwise dispose of the same as they may see fit; Provided the total purchase money paid for lands held at any one time shall not exceed two thirds of the whole capital stock of the Company.

Real property.

Proviso.

Capital and shares.

3. The whole capital stock of the Company shall be one million dollars, to be divided into shares of not less than five dollars each; the same to be determined by the Directors, and when once determined to remain fixed and uniform, the same to be issued as, and to the amounts subscribed for, subject to such assessments or calls as may be laid upon the same.

Calls; and enforcing calls.

4. Assessments may be made upon such stock and the issued shares thereof; and all calls of money thereon shall be paid when, where, and as the Directors of the Company shall from time

time to time require, in conformity with such rules as the By-laws of the Company may direct, with interest from the time appointed for the payment of such call; and such payments, with interest, may be enforced by law.

5. If, after due demand or notice, as the By-laws may prescribe, any call or assessment upon any share or shares issued, be not paid within the time limited by such By-laws, the Directors may, by vote to that effect duly recorded, summarily forfeit such shares, and the same shall become the property of the Company, and may be disposed of by auction or otherwise, as the By-laws may ordain or they by vote may direct.

Forfeiture for non-payment of calls.

6. The stock shall be deemed personal property, and shall be assignable and transferable only as the By-laws may prescribe; but no share shall be transferable until all calls or assessments thereon prior thereto have been paid, or until declared forfeited for non-payment of any call thereon.

Transfer of shares.

7. At all meetings of the Company every shareholder not in arrears in respect of any call shall be entitled to as many votes (when stock votes are called for) as he holds shares, and all votes may be given in person or by proxy, such proxy not being in arrears under the requirements of the By-laws.

Votes and proxies.

8. 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 each annual meeting of the Company, to hold office until others are elected to fill their places respectively, or the same are re-elected as may be; a majority of Directors in office shall constitute a quorum, and in case of a vacancy in the Board, the other Directors may fill the same until the next annual meeting of the Company, or other meeting duly called for the purpose; Provided always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Directors

Qualification.

Elections.

Quorum.

Vacancies.

Proviso.

9. If at any time an election of Directors be not made, or do not take effect at the proper time, the Corporation shall not cease, but such election may take place at any general meeting of the Company duly called for the purpose, and the existing Board shall meantime continue.

In case of failure of election.

10. Until the first election of such Board, Alfred B. Ely, Daniel D. Brodhead, Abner French, David C. Rogers and Henry E. Cobb, shall be the provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, issue and assign stock, and make calls and assessments thereon, and grant certificates and receipts therefor; to make provisional By-laws which shall have effect until altered by the Company;

Provisional directors.

Powers.

Company; to convene the first general meeting of the Company; and to do all things needful and proper to organize the Company and conduct the affairs and business thereof.

Powers of directors.

By-laws for certain purposes.

By-laws must be confirmed.

How proved.

Notice of meetings.

Places of business within and out of Canada.

Company not responsible for trusts on stock.

Liability of shareholders limited.

Agreements on behalf of the company, how to be executed.

11. The Board of Directors shall have full power to administer the affairs of the Company, and to make any contract which the Company may legally make; they may make any By-laws, not contrary to law, for the issuing, registration, and transfer of stock, and the certificates thereof,—the making of calls and assessments thereon,—the forfeiture of stock for non-payment of calls or assessments,—the disposal of forfeited stock, and of the proceeds thereof,—the declaration of dividends,—the employment of agents,—the calling of all meetings of the Board and of the Company,—and all such other By-laws, rules, and regulations, as may be needful and proper for the prompt and effective administration of the affairs of the Company, and the conduct of the business thereof; But all such By-laws shall have force only until confirmed and adopted by a special general meeting of the Company called for the purpose, or until the next annual meeting of the Company, but when confirmed, shall remain the By-laws of the Company; and any copy of any By-law under the seal of the Company, and purporting to be signed by an officer thereof, shall be *prima facie* evidence thereof; notice of all general meetings of the Company shall be given in some newspaper printed in the County of Shefford, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

12. In addition to their ordinary place of business within this Province the Company may establish any place or places of business in Great Britain or in the United States of America, and may open stock and transfer books there at any time, and may make calls, assessments and dividends, payable there respectively; and may regulate all the business in relation thereto, as may be found needful and proper, by By-laws or otherwise, and may prescribe the mode of assimilating shares of stock, as between such several places and Canada.

13. The Company shall not be responsible regarding any trusts in respect of any shares, but transactions between the Company and the shareholders named in the books, whether Trustees or otherwise, shall be valid and final; and the shareholders shall not at any time be responsible for any matter relating to the Company, beyond the amount remaining unpaid on the shares held by them respectively.

14. Every agreement or paper writing signed in behalf of the Company by any officer or agent thereof, in general accordance with his authority, shall be binding upon the Company, and need not be under the seal of the Company; and such acting officer or agent shall not be individually liable therefor, if acting in good faith within the scope of his authority.

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; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold; and to make such conveyances as may be necessary for that purpose.

When to commence operations.

Proviso: forfeiture of Act for non-user.

16. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to revive and amend the Acts relative to the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West.

[Assented to 15th October, 1863.]

WHEREAS the Grand Division of the Sons of Temperance in Canada West have presented a Petition praying for the renewal and amendment of the statutes relating to the said body, and praying for a revival and continuance thereof, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: *An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West*, and the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: *An Act to amend the Act incorporating the Order of the Sons of Temperance in Canada West*, are hereby declared to have been in force until the passing of this Act, and shall be and are hereby revived, continued, and made permanent Acts and Laws, subject always, from the passing of this Act, to the amendments hereinafter made.

Acts 14, 15 V. c. 159 and 19, 20 V. c. 133, revived and made permanent.

Subject to amendments hereby made.

2. Subordinate Divisions incorporated and to be incorporated under the said Acts or this Act, and the members thereof, shall henceforward be and become subject and amenable to the By-laws, Rules and Regulations of the Grand Division of the Order of the Sons of Temperance of Canada West, and shall have and exercise all their powers and privileges under the said Acts and this Act, subject to the said By-laws, Rules and Regulations, and not otherwise.

Subordinate divisions to be subject to By-laws of Grand Division.

As to members expelled, retiring, &c.

3. When any member is expelled or suspended by any Subordinate Division or by the Grand Division, or in case any member retires from such Subordinate Division, the said member shall cease to have any interest or claim whatever upon the funds or property of such Subordinate Division.

Forfeiture of Charter of a Subordinate Division.

4. In case the Grand Division declares the Charter of a Subordinate Division forfeited pursuant to the By-laws, Rules and Regulations of the said Grand Division, such Subordinate Division shall stand dissolved.

Section 12 hereby repealed.

5. The twelfth section of the Act first above cited is hereby repealed.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . L X X X I I .

An Act to incorporate *La Société de l'Union St. Joseph de St. Jean d'Iberville*.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS an Association under the name of *L'Union St. Joseph de St. Jean d'Iberville* has existed for some time past in the town of St. Johns, having for its object the aid of its members in case of sickness, and the ensuring of like assistance to the widows and children of deceased members; and whereas it is necessary for the good working and prosperity of the said Association, that it should enjoy the rights and privileges of an incorporated society, and the members of the said Association have, by their petition to the Legislature of this Province, prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. Isaac Bourguignon, Edouard Lessard, and such other persons as now are, or may hereafter become members of the said Association, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name of *L'Union St. Joseph de St. Jean d'Iberville*, and under such name shall have power, from time to time, and at any time hereafter, to purchase, acquire, hold, possess, accept and receive for themselves and their successors, all real or immovable 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 others instead thereof for the same purposes.

Corporate name and general powers.
Real property.

Majority of corporation may make By-laws.

2. 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

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, 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.

And administer affairs of corporation.

3. The rents, revenues and profits arising out of every description of movable property belonging to the said corporation, shall be appropriated and employed exclusively for the purposes mentioned in the preamble to this Act, for the acquisition of sites, 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.

How rents and revenues shall be applied.

4. All real and personal estate, at present the property of the said Association, 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 and repealed in the manner prescribed by this Act.

Property of association transferred to corporation.

5. 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 and affairs 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 rules, regulations and by-laws of the said corporation.

Corporation to appoint officers, &c.

Their powers.

6. 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

Corporation to make annual returns.

shall be presented within the first twenty days of every session of the Legislature.

Public Act. 7. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

CAP. LXXXIII.

An Act to incorporate the German Benevolent Society of Quebec.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS C. Schiedmayer, Baron Von Koerber, H. Lamotte, M. Miller, C. F. Leonhardt, G. Seifert and others, have, by their petition to the Legislature, represented, that the Society of which they are members, known as the "German Society of Quebec," 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 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. The said C. Schiedmayer, Baron Von Koerber, H. Lamotte, M. Miller, C. F. Leonhardt, G. Seifert, 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 "German Benevolent Society of Quebec," 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 others 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 two thousand dollars.

Corporate name and powers.

Real estate limited.

Committee of management.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a Vice-President, a Treasurer, a Recording Secretary, and three members chosen by the society, and to be duly elected annually at a meeting of the said Corporation, held in conformity to the by-laws thereof; and any three members of the said Committee; called together by proper authority, shall constitute a quorum thereof for the despatch of business.

Quorum.

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.

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.

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.

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 may receive all moneys payable to the said Corporation, and grant valid receipts therefor.

7. 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 an action brought in the name of the Corporation in any Court of competent 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.

8. The said Corporation shall, at all times, when required 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.

9. This Act shall be deemed a Public Act.

CAP. LXXXIV.

An Act to incorporate the Benevolent and Mutual Aid Society of Industrie and the County of Joliette.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter mentioned, inhabitants of the County of Joliette, having formed themselves into an Association under the name of the *Benevolent and Mutual Aid Society of Industrie and the County of Joliette*, have petitioned to be incorporated under the name of the *Benevolent and Mutual Aid Society of Industrie and the County of Joliette*, and whereas this Association has for its object the aid of its members in case of sickness, by monthly payments to be made by each to the Treasurer or some other officer appointed by the Association, 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:

Certain persons incorporated.

1. Charles E. Scallon, M. J. Viau, Sewell Clements, Edouard Miqué, Théodore Rivard, Narcisse Brault, Thomas Sheppard, Benonie Lauzon, James Crane and Andrew Kelly, 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 *Benevolent and Mutual Aid Society of Industrie and the County of Joliette*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or 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, in so far as the same may come

Corporate name and general powers.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

under

under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

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

Appropriation of revenues for certain purposes only.

3. All the 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.

Property of association transferred to corporation.

Also liabilities.

By-laws continued until altered.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power at the annual meetings thereof, to appoint administrators or managers for the administration of the property of the Corporation, and also to appoint such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation to appoint officers, &c.

Their powers.

5. The present officers of the said Association, viz: Charles E. Scallon, M. J. Viau, Sewell Clements, Edouard Miqué, Théodore Rivard, Narcisse Brault, Thomas Sheppard and Benonie Lauzon, shall remain in office until the first and next annual meeting:

Present officers to remain in office.

6. The office of the said Corporation shall be at the Village of Industrie, and the regular and annual meetings shall be held at the said village, in conformity with the By-laws of the said Corporation.

Office of corporation.

Annual report
to the legisla-
ture.

7. 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 report shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

8. This Act shall be deemed a Public Act.

C A P. L X X X V.

An Act to incorporate the *Congrégation St. Michel de Sorel*.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter mentioned, inhabitants of the Town of Sorel, having formed themselves into an Association under the name of *La Congrégation St. Michel de Sorel*, have petitioned to be incorporated under the name of *Congrégation St. Michel de Sorel*; and whereas this Association has for its object the aid of its members and others in case of sickness by monthly payments to be made by each to the Treasurer or some other officer appointed by the Association, 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:

Certain persons
incorporated.

1. Emmanuel Crépeau, Antoine Benoit, John Kane, Michel Gervais, Zael Beaulieu, J. S. Célestin Labaie, Joseph Champagne, A. Bruno Thibault, Léon La Vallée, Joseph Fortin, Richard Kane and Cuthbert Marcotte, 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 *Congrégation St. Michel de Sorel*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements, and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or 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

Corporate
name and
general
powers.

Amount of
real property
limited.

Majority to
make By-laws.

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, 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.

Further powers of majority.

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.

Appropriation of revenues to certain purposes only.

3. All the real and personal estate at present the property of the said Association, by purchase, donation, or otherwise, and all debts, claims and rights which they may be possessed of, 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.

Property of association transferred to corporation.

Also liabilities.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation to appoint officers, &c.

5. The present officers of the said Association, viz: Emmanuel Crépeau, Antoine Benoit, John Kane, Michel Gervais, Zael Beaulieu, J. S. Célestin Labaie, Joseph Champagne, A. Bruno Thibault, shall remain in office until the first and next annual meeting.

Present officers continued.

6. The office of the said Corporation shall be at the town of Sorel, and the regular meetings shall be held at the said town.

Office of corporation.

Annual report
to the legisla-
ture.

7. The said Corporation shall be bound to make annual reports to both Houses of Parliament, containing a general statement of the affairs of the Corporation, which said report shall be presented within the first twenty days of every Session of the Provincial Parliament.

Public Act.

S. This Act shall be deemed a Public Act.

C A P . L X X X V I .

An Act to incorporate the Lay Association of the Presbyterian Church of Canada, in connection with the Church of Scotland, at Montreal.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS an Association under the name of the Lay Association of the Presbyterian Church of Canada, in connection with the Church of Scotland, was formed at Montreal in the year of our Lord one thousand eight hundred and forty-five, for the purposes of affording assistance to poor or small congregations of the said Church in the payment of their Clergy and in the erection of Churches, and of rendering assistance to young men studying for the ministry, and of publishing missionary records, pamphlets or magazines respecting the Church of Scotland and the said Church, and is governed by a constitution which has received the assent of the Members of the said Association; and whereas the said Association have prayed by Petition that they may be incorporated, 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:

Incorporation.

1. John Greenshields, John Smith, William Edmonstone, Alexander Morris, W. Christie, G. Templeton, T. A. Gibson, J. Kingan, Archibald Ferguson and John L. Morris, and all other persons who are now or shall hereafter, under the provisions of the said constitution of the Association become members thereof, are hereby declared to be a body corporate and politic, by the name of "The Lay Association of the Presbyterian Church of Canada, in connection with the Church of Scotland at Montreal," with all the rights and powers, which, under the Interpretation Act, vest in a Corporation.

Corporate
name, rights
and powers.

Transfer of
property.

2. The personal property of the said Association shall become the property of the Corporation hereby created, and is vested in such Corporation.

Objects and
constitution of
the corporation.

3. The objects of the Corporation hereby created are those mentioned in the Preamble to this Act, and the Constitution already

already adopted by the said Association shall remain in force, but may be added to, amended or repealed in the manner and subject to the conditions therein at any time contained.

4. Until Directors shall be elected, according to the By-Laws of the Corporation, the present officers of the Association shall be those of the Corporation, but the members of the said Corporation for the time being, or the majority of them, shall have power to appoint a Board of not less than five nor more than seven Directors or Managers for the administration of the property and affairs of the Corporation; 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 Corporation, as may be conferred upon them by the By-Laws of the said Corporation.

5. The said Corporation shall at all times when required by the Governor, make a full return of all property held by it, with such details and other information as the Governor may require.

6. This Act shall be deemed a Public Act.

C A P. L X X V I I.

An Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough, and for other purposes.

[Assented to 15th October, 1863.]

WHEREAS the Rector of the Town of Peterborough and the Church-wardens of St. John's Church in Peterborough have, by petition, set forth, that the lands of which the said Rectory is composed, lying without the Town of Peterborough, and being lot number seventeen in the second concession, and lot number forty in the thirteenth concession of the township of Smith, and park lots numbers fifteen and sixteen in lot number thirteen, in the thirteenth concession of the township of North Monaghan, are unproductive in a great degree in consequence of the inability of any party to convey the same, or make a satisfactory title or lease thereof; and not only are they thus unproductive, but the adjoining properties of private individuals are injured and deteriorated in value in consequence thereof; that the lands lying within the said town, being composed of all that block of land bounded on the west by Water Street, on the east by Sheridan's Terrace, on the north by Brock Street, and on the south by Hunter Street, are not nearly so productive or valuable as they would be if leases renewable for twenty-one years or upwards could be made by the incumbent for the time being of the said Rectory; that at a Vestry Meeting held at St. John's Church, in the said town

town of Peterborough, on Monday, the twenty-fourth day of August, in the year of our Lord, one thousand eight hundred and sixty-three, a resolution was unanimously adopted and passed, that a petition should be presented to Parliament, praying for an Act to enable the said Church Society, with the consent of the said Rector and Church-wardens, to sell those parts of the said lands lying without the Town of Peterborough, and to lease, by permanent leases, those parts lying within the town, belonging to the said Rectory, and to invest the proceeds of such sale or sales for the same purposes for which the land was then and is now held, the investment to be subject to the approval of the said Rector and Church-wardens; And whereas the said Rector and Church-wardens have, in accordance with the terms of the said resolution, prayed that an act may be passed for the purposes aforesaid, 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:

Church society, with consent of Rector and Church wardens may sell the Rectory land outside the town.

1. The Church Society of the Diocese of Toronto, with the consent of the Rector of Peterborough, and of the Church-wardens of St. John's Church, in the said town, for the time being, shall and may and they are hereby authorized to sell and convey absolutely in fee simple all those parts of the said Rectory lying without the Town of Peterborough, being lot number seventeen, in the second concession, and lot number forty, in the thirteenth concession of the township of Smith, in the said county of Peterborough, and park lots numbers fifteen and sixteen, in lot number thirteen, in the thirteenth concession of the said township of North Monaghan, to any person or persons, bodies politic or corporate, that may be willing to purchase the same.

Rector may lease the land within the town, with provision for renewal, payment for improvements, &c.

2. The incumbent of the said Rectory, for the time being, may, with the consent of the Church-wardens aforesaid, make leases of all or any part of the said lands forming part of or belonging to the said Rectory, within the said Town of Peterborough, for such term or terms of years not exceeding twenty-one years, as he may think fit, and such leases may contain a provision for the renewal thereof, at the expiration of any or every term of twenty-one years, or a less period, at such rent and on such terms as may be agreed upon with the lessee, his heirs, executors, administrators and assigns, and for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which at the expiration of any term may be on the demised premises, and for ascertaining the amount of such rent or the value of such improvements, and such leases so made shall be binding and valid against all parties or persons whatsoever for the full term thereof.

3. The moneys raised by such sale as in the first section of this Act mentioned, shall be invested by the said Church Society upon such securities, except real estate, as the said Rector and Church-wardens may approve of and be held in trust for the benefit of the said Rectory and the incumbent thereof; and no purchaser shall be liable or obliged to see to the application of any money paid by him upon any sale under the provisions of this Act.

Investment of money from sale, &c.

Purchaser not bound to see to application.

4. No party paying any money to such incumbent and Church-wardens, by way of rent, in virtue of any leases granted or made under the authority of this Act, shall be required to see to the proper application of the money.

Lessees not bound to see to application of rent.

5. This Act shall in no respect affect or interfere with the rights of any party or parties under existing leases of any part of any of the said lands.

Existing rights of lessees not affected.

6. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X X V I I I.

An Act respecting the sale of certain property of the Presbyterian Church of the Township of Pickering, in connection with the Church of Scotland in Canada.

[Assented to 15th October, 1863.]

WHEREAS by Letters Patent dated the tenth day of November, one thousand eight hundred and forty-six, two certain parcels of land therein described, were granted unto Francis Leys, Donald McKay, Ebenezer Borrill, James Greig and Robert McLaren, and their successors, to have and to hold to them the said Francis Leys, Donald McKay, Ebenezer Borrill, James Greig and Robert McLaren, and their successors, in trust as an endowment or glebe for the Presbyterian Church of the township of Pickering, in connection with the Church of Scotland; and whereas John Miller, Robert McLaren, John Carter, George Milne and Donald McKay, are the present trustees of the said property under the said Letters Patent, and have presented their petition stating that the congregation of the Presbyterian Church of the township of Pickering, having met in public assembly after intimation from the pulpit on three previous Sabbaths, agreed to dispose of one of the said parcels, to wit: the south half of lot number twelve in the sixth concession of the township of Thorah, the proceeds thereof to be invested for the benefit of the said congregation; that the Presbytery of Toronto in connection with the Church of Scotland, and the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, had given their sanction to such sale; and have prayed for authority to sell the said parcel of land, and to invest the proceeds

Preamble.

proceeds for the benefit of the said congregation, 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 :

Power to sell south half of No. twelve in the sixth concession of Thorah.

1. The said John Miller, Robert McLaren, John Carter, George Milne and Donald McKay, or a majority of them, or the trustees for the time being under the said Patent; or a majority of such trustees, shall have full power and authority to sell the south half of lot number twelve in the sixth concession of the township of Thorah, either in one parcel or in two or more parcels, and either by public auction or private contract, or if the said half lot is sold in parcels, then part may be sold by public auction and part by private contract as the said trustees see fit, and the sale or sales may be either for cash or on credit, or partly for cash and partly on credit, and the said trustees or a majority of them shall have power to convey the said land to the purchaser or purchasers in fee simple; and the said trustees shall invest the proceeds of such sale or sales for the benefit of the said congregation, and shall have power from time to time to vary the securities in which the same may be invested, as to them shall seem expedient, and shall apply the annual revenue arising from the investment of the said proceeds for the benefit of the said congregation subject to any rules or directions that may from time to time be made or given by the said congregation in respect of the said annual revenue; or the trustees or a majority of them may, in their discretion, invest or reinvest the said proceeds, or any part thereof, in or towards the procuring, purchasing or building of a Manse for the Minister of the said Congregation, and may afterwards resell the property, and invest or reinvest the proceeds, in any way authorized by this Act, for the benefit of the said Congregation.

Investment and re-investment of proceeds.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . L X X X I X .

An Act to provide for the succession of Trustees of the Church and Manse property belonging to St. Andrew's Church, Fergus, and to rectify the titles thereto; as also to authorize the Trustees of the Glebe of the said Church to sell the undisposed of residue thereof.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS, on or about the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and thirty-seven, the late Honorable Adam Fergusson, together with James Webster, Esquire, did execute two certain Deeds for the purpose of conveying to certain Trustees, therein named respectively, the lands following, that is to say:—Firstly, all and

and singular, that certain parcel or tract of land and premises situate, lying and being in the Village of Fergus, in the Township of Nichol, County of Halton, Gore District, and Province of Upper Canada, now in the said village of Fergus, County of Wellington, and Province of Canada, and known and described as that piece of ground on which the then St. Andrew's Church stood, as the same was then enclosed, and on which the new St. Andrew's Church has since been erected, and situate on the north-west side of St. George Street, fronting Tower Street, and butted and bounded as follows, that is to say: commencing at the southerly angle of the said enclosure, thence north sixty degrees, thirty minutes west, two chains seventy-eight links, more or less, to where a post has been planted, thence north twenty-nine degrees thirty minutes east, two chains, more or less, to where a post has been planted; thence south sixty degrees thirty minutes east, two chains seventy-eight links, more or less, to where a post has been planted on the north-west side of St. George Street; thence south twenty-nine degrees thirty minutes west, two chains, more or less, to the place of beginning, and containing, by admeasurement, two roods, eight perches and twenty-nine square yards, be the same more or less; And, secondly, all and singular, that certain other parcel or tract of land and premises situate, lying and being in the said Village of Fergus, and known and described as the manse lot attached to St. Andrew's Church, Fergus, on the north-west side of North St. George Street, and butted and bounded as follows, that is to say: commencing where a post has been planted at the southerly angle of said lot at the junction of St. David Street and North St. George Street, thence north twenty-nine degrees thirty minutes east, two chains and fifty links, more or less, along the north-west side of North St. George Street to where a post has been planted; thence north sixty degrees thirty minutes west, four chains, more or less, to where a post has been planted; thence south twenty-nine degrees thirty minutes west, two chains and fifty links, more or less, to where a post has been planted on the north-east side of St. David Street; thence south sixty degrees thirty minutes east, four chains, more or less, along the side of St. David Street to the place of beginning; containing, by admeasurement, one acre, be the same more or less; To hold with the appurtenances to such Trustees and their successors in office for ever; but the manner of the appointment of such successors in office is not specified in such deeds of conveyance, and it is desirable to provide therefor, and to rectify such deeds accordingly: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Deeds of certain property in trust, recited.

No direction for appointment of successors.

1. The successors in office of such Trustees as aforesaid, shall be appointed in manner following, that is to say: The body of Trustees shall be composed of the said James Webster and of Thomas Williams Valentine, Esquire, (they being the only

How the successors in office of the trustees under the said deeds shall be appointed.

only members of the original body of Trustees of the said lands who are now living and in connection with the said church) and of Gilbert Heriot Todd, John Moffatt, Thomas Milne, Alexander Dingwall Fordyce, John Wait, Alexander Sherriffs Cadenhead and Archibald McIntyre, (being, in all, nine in number). On occasion of a vacancy of office by either of the said remaining original Trustees, James Webster or Thomas Williams Valentine, whether by death, incapacity, resignation, or ceasing to adhere to the said church, such vacancy shall not be filled up, but the number of the body of the Trustees shall be reduced accordingly to eight or to seven, as the case may be; of the other Trustees, the two whose names follow next in order after those of the said two remaining original Trustees, shall cease to hold office as such at the annual meeting of the Congregation of the said church, in the year of our Lord one thousand eight hundred and sixty-three, and two other Trustees, in their place, shall be chosen by the said congregation at such annual meeting, or at some other subsequent meeting thereof, to be specially held for the purpose; The Trustees so vacating office shall be eligible for re-election; The names of the Trustees so to be chosen by such congregation shall be placed at the foot of the list of the general body of such Trustees; The like general practice shall, from time to time, be continued thereafter in each succeeding year, the two Trustees (other than the two remaining original Trustees) at the head of the list at the time of every such annual meeting ceasing thereupon to hold office as such, and others being chosen in their place in manner aforesaid, but those ceasing to hold office being re-eligible as aforesaid; If any vacancy in such body of Trustees (other than in the case of such two remaining original Trustees as aforesaid) shall occur, whether by death, incapacity, resignation or ceasing to adhere to the said church, between any two such annual meetings, a Trustee shall be appointed by the remaining Trustees, to fill such vacancy until the next annual meeting; At such next meeting, or at some other subsequent special meeting to be held for the purpose, the appointment of such new Trustee shall either be confirmed or disallowed, and if disallowed another shall be appointed in his place; Such new Trustee shall stand in the same order on the general list of Trustees, and shall be subject to the same conditions relative to vacating office and re-election as the person in whose place he has been appointed would have done.

Lands vested
in successors
without new
conveyance.

2. The lands belonging to, or hereafter acquired by, or on behalf of the said Trust, shall vest in the Trustees from time to time named in or to be appointed under this Act, and in their heirs and successors from time to time in fee simple without any conveyance by deed from one set of Trustees to their successors in the Trust.

How the fore-
going provi-

3. The foregoing enactments shall be construed to have the like effect as if the manner of appointment of the successors in office

office of such original Trustees had been specified in such deeds of conveyance of such aforesaid lands respectively. sions shall be construed.

4. And whereas the lands known as all that parcel or tract of land situate in the Township of Garafraxa, in the said County of Wellington, containing by admeasurement two hundred acres, more or less, being composed of the easterly and westerly halves of lot number eight in the first concession of the said Township of Garafraxa, with the appurtenances, except certain portions thereof, heretofore otherwise disposed of, are vested in the said James Webster and Thomas Williams Valentine, Alexander Dingwall Fordyce, Alexander Drysdale, John Brockie, Alexander Sherriffs Cadenhead, Robert Powrie, George Colquhoun Hamilton and Matthew Anderson, as Trustees for the use of the aforesaid St. Andrew's Church, Fergus, and it is desirable to allow them to sell such undisposed of portion thereof without the usual formalities required by law in like cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, as aforesaid, further enacts as follows: It shall and may be lawful for such last mentioned Trustees and their successors in office, or a majority of them, to sell and alienate all or any of such undisposed of glebe lands to such person or persons, party, or parties, in such manner, whether by public sale or private contract, at such price or prices, and on such terms of payment and security as to them or the majority of them, may seem best. Recital.

Trustees may sell certain lands.

5. No purchaser, under any such sale, shall be bound to see to the application of the purchase money by such Trustees. Purchaser need not see to application.

6. The proceeds of such sale or sales shall be applied to the liquidation of the debt contracted for the building of the said present St. Andrew's Church, or otherwise for the use of the congregation thereof, as such congregation may decide, but shall not be invested in the purchase of any real estate. Application of proceeds.

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

C A P. X C.

An Act to amend the Act incorporating the Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa.

[Assented to 15th October, 1863.]

WHEREAS the Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa, have represented by their Petition, that they are erecting an extensive building for an Hospital at Ottawa, and Preamble.

and that they desire that their Act of incorporation may be so amended as to give them the power to mortgage their property, and thus obtain a loan of the moneys necessary for the completion of the building, and 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:

Power to mortgage for loans.

1. The Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa, shall have power at all times hereafter to mortgage their Real Estate for any loans of money they may be desirous of obtaining.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . X C I .

An Act to incorporate the "Lacolle Academy."

[Assented to 15th October, 1863.]

Preamble.

WHEREAS an Association hath been formed at the Village of Lacolle, in the County of St. Johns, by divers persons residing in that Village and in the neighbourhood thereof, under the name of the Lacolle Academy Association, having for its design to afford a course of instruction in such branches of science and general literature as may be deemed proper; And whereas the persons hereinafter named, being the office-bearers of the said Association, and acting on behalf of the members thereof, have, by their petition to the Legislature, represented, that it would be beneficial to the interests of the said Association, and would tend to the success and prosperity of their Seminary, if the members of the said Association were incorporated, and have prayed to be incorporated by the name of "The Lacolle Academy;" And whereas it is deemed 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:

Incorporation:

1. Alonzo Force, President, Wm. H. VanVliet, Secretary-Treasurer, Robert Douglas, S. N. Smith, William Gunn, Joseph Teskey, Roswell Canfield, Richard Foster, William Cockerline, Thomas Hodgson, Edwin Scriver, Thomas Brisbin, Alonzo Smith, George Nichols and T. S. Haynes, M. D., the present Directors of the said Association, with all such other persons as now are or hereafter may become members of the same, shall be and are hereby constituted a body politic and corporate by the name of "The Lacolle Academy," and shall by that name have perpetual succession and a Common

Corporate name and

Seal,

Seal, with power to alter, renew or change such seal at pleasure, and shall by the same name at all times hereafter have power to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Academy, not exceeding in annual value the sum of two hundred pounds currency, exclusive of the value of the necessary buildings for the use of the Academy and the ground on which they are or may be erected, and the same to sell, alienate and dispose of and others in their stead to purchase, acquire and hold for the use and purposes aforesaid; and the said Corporation may, by the said name, sue and be sued in all Courts of Law or other places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate in this Province; and in all actions and suits at law which at any time may be brought against the said Corporation, service of process at the domicile of the President or of the Secretary of the said Corporation, shall be held to be a sufficient service for all legal purposes; but the powers of the Corporation shall extend only to the purposes and objects mentioned in the preamble, to which only its property and means shall be applied.

general powers.
Real property limited.

Suits.

Service of process.

Proviso.

2. The said Corporation shall have power to make By-laws, Rules and Regulations, not contrary to law or to the provisions of this Act, for the government and management of the said Corporation, and of the officers, members, affairs and property thereof, and for the admission, demission and qualification of members thereof, and for all purposes relating to the well-being and interests of the said Corporation, and the same to amend, alter or repeal, from time to time, as shall be deemed necessary or expedient.

Power to make By-laws.

3. The affairs of the said Corporation shall be managed by a Board of Directors, consisting of not less than five nor more than nine members, who shall be elected, from time to time, by the members of the Corporation, in the manner prescribed by the By-laws of the said Corporation, and who shall remain in office during such term as shall be fixed by the said By-laws; Provided always, that the present Directors shall remain in office until others shall be duly elected in their room and stead, which election shall take place within twelve months from the passing of this Act.

Board of directors.

Present directors continued.

4. The said Board of Directors shall have power to meet, from time to time, for the transaction of the affairs of the said Corporation, and at any such meeting, three Directors shall form a quorum, competent for the transaction of business; and the said Directors shall, from time to time, elect one of their number to be President of the said Corporation, and another one to be Secretary-Treasurer.

Meetings.

Quorum.

President.

Secretary.

Transfer of property and liabilities of existing association.

5. All and every the estate and property, real and personal, of the said Association, and all property held in trust for it at the time of the passing of this Act, and all debts due to, or rights or claims possessed by the said Association, shall be and the same are hereby transferred to and vested in the said Corporation, which shall be liable in like manner to and for all debts due by or claims upon the said Association.

Union of Academy and Common Schools.

6. It shall and may be lawful for the said Directors of the said Corporation, and the School Commissioners for the Municipality of the Village of Lacolle, at any time, to enter into any agreement with each other, having for its object the union of one or more or all the Common Schools in the Municipality with the said Academy; and during the existence of such agreement, the said School Commissioners shall *ex-officio* be Directors of the said Corporation; and it shall and may be lawful for the said School Commissioners at any time to pay to the Directors of the said Corporation, such sums of money as the said Commissioners might pay the Teachers of such Common School or Schools, if the same had not been united with the said Academy.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . X C I I .

An Act to incorporate the Toronto Club.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS the persons hereinafter named, with a large number of others in Toronto, and elsewhere in Upper Canada, have associated themselves for the establishment of a Club, for social purposes, and have prayed to be incorporated by the name of the "Toronto Club," 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. The Honorable J. H. Cameron, and A. Thornton Todd, J. M. Strachan, A. Morrison, John Crawford, Esquires, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the "Toronto Club" and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew, or change such common seal, at their pleasure, and shall by the same name from time to time and at all times hereafter be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take and receive, to them and their successors, to and for the actual occupation of the said Corporation, any lands, tenements, and hereditaments,

Corporate name and powers.

hereditaments, and real and immovable property and estate, situate, lying and being within the City of Toronto, and the same to sell, alienate and dispose of whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever; and the Constitution, Rules, and Regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association in so far as they may not be inconsistent with the laws of this Province, shall be the Constitution, Rules, and Regulations of the said Corporation; Provided always, that the said Corporation may from time to time alter, repeal, and change such Constitution, Rules, and Regulations, in the manner provided by the Constitution, Rules, and Regulations of the said Corporation.

Constitution of
the corporation.

Proviso: as to
present By-
laws, &c.

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

Property vested
in corporation.

3. No member of the Corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the annual subscriptions which may remain unpaid by such member; and any member of the Club not being in arrear may retire therefrom, and shall cease to be such member, on giving notice to that effect in such form as may be required by the By-laws thereof, and thereafter shall be wholly free from liability for any debt or engagement of the Club.

Liability of
members
limited.

4. It shall be lawful for the said Corporation to issue stock, to such extent as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars, in shares of one hundred dollars each; such stock to be subscribed for in a book to be opened for that purpose by the Committee of the said Club, and to be paid up in such manner and within such delay as may be determined by the said Committee.

Stock and
subscriptions
for stock.

5. The funds arising from such stock shall be applied exclusively to the erection of a Club House and dependencies, and to furnishing the same.

Application
of stock.

6. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such shares respectively, and by assignment on the books of the Corporation.

Transfer of
stock.

7. Each holder of such stock duly paid up shall be a proprietor of an undivided share of the real estate of the Corporation and

Rights of
shareholders.

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.

Paying off
stock.

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

Mode of pay-
ment.

9. Such payment may be made by depositing, in any of the chartered Banks in the City of Toronto, to the credit of the holder or holders of such share or shares, the amount of such share or shares and of all dividends unpaid thereon, and thereupon such share or shares shall, *ipso facto*, cease to exist.

Public Act.

10. This Act shall be deemed a Public Act.

C A P . X C I I I .

An Act for the sale or other disposition of the Lands belonging to the Estate of the late John Speirs.

[Assented to 15th October, 1863.]

Preamble.

WHEREAS John Speirs, in his lifetime of the City of Montreal, Accountant, departed this life intestate, leaving him surviving John Kerr Speirs, Robert Adam Speirs, James Scott Speirs, Rosina Aird Speirs, Peter McGill Speirs, Francis McDougall Speirs and Liliass Jessie Speirs, his heirs and heiresses at law, who were infants under the age of twenty-one years, and possessed of a considerable quantity of real estate, situate in that part of this Province formerly Upper Canada, and of certain personal property, the available part of which has been exhausted in the payment of his debts and in the preservation of his real estate; and whereas Francis Walker Shirriff, of the Village of Huntingdon, the Administrator of the said Estate in Upper Canada, and the guardian duly appointed of the said infants in Upper and in Lower Canada, at the request of the said parties, hath presented his petition to be empowered to sell or otherwise dispose of the lands yet undisposed of, and generally to wind up the said estate, for the benefit thereof and of the parties beneficially entitled thereto, and whereas certain proceedings have been taken in the Court of Chancery for Upper Canada in the matter of the said infants and of the Twelfth Victoria, chapter seventy-two; and whereas it has been made to appear that it is necessary, for the preservation of the said estate as well as for the maintenance and education of the said children of John Speirs, and for other purposes, that special power should be given to some one person to manage and dispose of the said estate to the best advantage: Therefore, Her Majesty, by and with the advice and consent of

the

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

1. That the said Francis Walker Shiriff be and he is hereby empowered to sell, lease, mortgage, or otherwise dispose of the lands remaining unsold or undisposed of which were of the said late John Speirs at the time of his death, and to convey or otherwise assure the said lands to any person or persons who may be or may become entitled thereto, and that he be also and he is hereby appointed to manage and wind up the said estate, and in relation thereto to do and perform all such acts and things as in his discretion he may think necessary.

F. W. Shiriff empowered to dispose of remaining lands.

2. The said Francis Walker Shiriff shall account yearly, or oftener if so required, to the Court of Chancery for Upper Canada for his dealings with the said Estate, and shall also, yearly, or oftener if required, pay into the said Court any surplus or balances that may be in his hands applicable to the formation of such a fund as will produce an annual income, from which the continuing demands against the said Estate can be paid as is contemplated by an order made by the said Court in that matter, bearing date the sixth day of May, 1862.

To account yearly or oftener to the Court of Chancery for U. C.

3. The said Francis Walker Shiriff shall, if required by the said Court, give security for the payment of such balances and for the proper management of the said Estate ; and the said Court may accept of sureties domiciled in that part of this Province formerly Lower Canada.

To give security if required.

4. This Act is not to be construed as affecting the jurisdiction of the said Court with reference to the investment or application of any of the funds arising from the sales, leases or other disposition of the said Estate and from time to time paid into the said Court by the said Francis Walker Shiriff.

Power of Court as to investment of moneys saved.

5. Nothing in this Act contained shall affect or prejudice any claim or title of any person or persons against the lands or Estate of the said late John Speirs.

Rights of claimants on estate saved.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . X C I V .

An Act to authorize the admission of John Henry Dumble to practise as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada.

[Assented to 15th October, 1863.]

WHEREAS John Henry Dumble, of the Town of Cobourg, Gentleman, hath by his Petition to the Legislature represented, that by Articles of Clerkship bearing date the sixteenth

Preamble.

day of April, one thousand eight hundred and sixty, he became an Articled Clerk of William Irvine Stanton, a practising Attorney in the Courts of Common Law at Toronto;—That the said Articles, with the Affidavits required by law, were duly transmitted to Toronto for the purpose of being filed in the office of the Clerk of the Crown; but that about a year afterwards the Petitioner discovered that they had never been filed and were lost; That he served under the said Articles the full term required by law, and that in Trinity Term of this present year he passed satisfactorily his examination before the Law Society for admission to practise as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada, and that the said Law Society would have granted him the requisite certificates had his Articles been duly filed; and he hath prayed relief in the premises, which relief it is expedient to grant him: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

John H.
Dumble may
be admitted
to practise.

1. It shall be lawful for the Law Society of Upper Canada to dispense with the filing and production of the Articles of clerkship of the said John Henry Dumble, and to grant him a certificate of fitness to practise as an Attorney in the Courts of Common Law, and as a Solicitor in the Court of Chancery, in Upper Canada, and for the said Courts in their discretion to admit him to practise as an Attorney and Solicitor therein, respectively.

Public Act.

2. This Act shall be deemed a Public Act.

QUEBEC:—Printed by G. DESBARATS & M. CAMERON,
Law Printer to the Queen's Most Excellent Majesty.

FIRST SESSION, EIGHTH PARLIAMENT.

TABLE OF CONTENTS.

Caps.	PAGES.
1. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year 1863, for making good certain sums expended for the public service in 1862, and for raising a Loan on the Credit of the Consolidated Revenue Fund.....	3
2. An Act respecting the Militia.....	14
3. An Act respecting the Volunteer Militia Force.....	39
4. An Act to amend the Act respecting Duties of Customs and the collection thereof.....	53
5. An Act to revive and continue, for a limited time, the several Acts therein mentioned.....	53
6. An Act to amend the Act of 1841, relating to Savings Banks...	56
7. An Act to amend the Act <i>respecting the inspection of Pot and Pearl Ashes</i>	56
8. An Act to amend the law respecting the qualification and registration of voters in Lower Canada.....	57
9. An Act further to amend the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statutes for Lower Canada.....	59
10. An Act to amend the Act respecting the erection and division of Parishes, and the building and repairing of Churches, Parsonage Houses and Church Yards and Fabrique Meetings.....	66
11. An Act to facilitate and diminish the cost of the collection of School Rates.....	69
12. An Act to amend the Act respecting the partition of Township Lands held in common.....	69
13. An Act to amend the Common Law Procedure Act of Upper Canada.....	70

Caps.	PAGES.
14. An Act to amend the Act respecting County Courts in Upper Canada.....	71
15. An Act respecting Sales of Land under execution against executors and administrators.....	72
16. An Act to extend the provisions of the two hundred and seventy-fifth section of the Act <i>respecting the Municipal Institutions of Upper Canada</i> , and to provide for the Election of Councillors in the several townships of Upper Canada, whenever the same may be divided into Electoral Divisions under the authority of the said section.....	73
17. An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for Educational purposes in certain securities, and to legalize such investments already made, and for other purposes.....	75
18. An Act relative to Summary Convictions under Municipal By-Laws in Upper Canada.....	77
19. An Act to amend the Consolidated Assessment Act of Upper Canada, in respect to Arrears of Taxes due on non-resident Lands, and for other purposes respecting Assessments.....	78
20. An Act for the protection of Sheep in Upper Canada.....	81
21. An Act to amend the law respecting the Recorder's Court of the City of Quebec.....	82
22. An Act to amend the provisions of the Act to incorporate the City of St. Hyacinth.....	84
23. An Act to incorporate the Town of Joliette.....	122
24. An Act to incorporate the Village of Beauharnois as a Town... ..	155
25. An Act to constitute but one Agricultural Society in and for the United Counties of Chicoutimi and Saguenay.....	188
26. An Act to provide means of supplying the loss of Public Records and Documents occasioned by the destruction by fire of the Gaol and Court-house of the District of Kamouraska, and for securing the rights of interested parties.....	189
27. An Act to erect certain new Municipalities in the Counties of Drummond and Arthabaska.....	192
28. An Act to separate the Townships of Windsor and Stoke, in the County of Richmond, for all Municipal purposes.....	194
29. An Act to divide the Township of Tring, in the County of Beauce, into two separate Municipalities.....	194
30. An Act to divide the Townships of North and South Ham into two Municipalities.....	195

TABLE OF CONTENTS.

iii

Caps.	PAGES.
31. An Act to confirm certain proceedings of the Municipality of the Township of Orford, in Lower Canada.....	196
32. An Act to amend the Acts and Ordinances concerning the Montreal Turnpike Roads as regards that portion of the said roads known as the "Victoria Road".....	198
33. An Act to authorize the Municipal Council of the Parish of Ste. Cécile, to fix certain rates of toll, and to erect toll-gates on a Macadamized road in the said parish.....	199
34. An Act to provide for the running of Side Lines in the Township of Bristol, in the County of Pontiac.....	204
35. An Act to reunite the North and South Ridings of the County of Waterloo, for Registration purposes.....	205
36. An Act to authorize the Town of Sarnia to issue Debentures for redeeming some of their outstanding Debentures, for which no Sinking Fund has been provided.....	206
37. An Act to empower the Municipal Council of the Township of Dereham to loan a portion of their share of the Clergy Reserve Moneys for certain drainage works in the said Township.....	207
38. An Act to restrict the raising of Public Moneys in the Incorporated Village of Aurora, and for other purposes.....	209
39. An Act to authorize the Municipal Council of the Village of Cayuga, in the County of Haldimand, to sell a portion of the Market Block of the said Village, and for other purposes.....	210
40. An Act to legalize and perfect a certain exchange of Lands agreed upon between the Rector and Church-Wardens of St. Paul's Church, London, and the Corporation of the City of London.....	211
41. An Act to amend and consolidate the several Acts incorporating and relating to the City Bank.....	212
42. An Act to amend the Act eighteenth Victoria, chapter two hundred and two, intituled: <i>An Act to incorporate the Molsons Bank</i>	225
43. An Act to amend the Act respecting <i>La Banque Jacques Cartier</i>	226
44. An Act to amend the Act incorporating the Merchants' Bank... ..	227
45. An Act to repeal the Incorporation Acts of the Colonial Bank, of the International Bank, of the Clifton Bank and of the Bank of Western Canada.....	228
46. An Act to establish an Institution of Landed Credit (<i>Crédit Foncier</i>) in Lower Canada.....	229
47. An Act to amend and extend two several Acts passed respectively in the twentieth and twenty-second years of Her Majesty's reign, relating to the Western Canada Loan Company.....	246

Caps.	PAGES.
48. An Act to amend the Act twenty-third Victoria, chapter one hundred and thirty, incorporating the Agricultural Loan Association of Canada.....	248
49. An Act to incorporate "The Lower Canada Investment and Agency Company," [Limited.].....	249
50. An Act to incorporate "The London and Canadian Loan and Agency Company," [Limited.].....	266
51. An Act to incorporate "The Accident Assurance Company".....	283
52. An Act to grant certain powers to the County of Middlesex Mutual Fire Insurance Company, and to change its name....	290
53. An Act to correct errors in the Grand Trunk Arrangements Act, 1862.....	292
54. An Act to repeal a certain Act therein mentioned, and to authorize the Corporation of the City of Montreal to aid the Grand Trunk Railway Company of Canada in establishing a Terminus in the said City.....	293
55. An Act to amend the Act twenty-third Victoria, chapter one hundred and five, intituled: <i>An Act relating to the Northern Railway of Canada</i> , so far as relates to the construction of the Branch Line into the Town of Barrie, and other matters therein mentioned.....	294
56. An Act to authorize and empower certain parties to purchase the Preston and Berlin Railway, and for other purposes.....	297
57. An Act for the re-organization of the Brockville and Ottawa Railway Company, and to authorize the issue of Preferential Bonds for certain purposes.....	299
58. An Act further to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company.....	306
59. An Act to amend the Act incorporating the Fort Erie Railway Company, and to change the name of the said Company to <i>The Erie and Niagara Railway Company</i>	307
60. An Act to remove doubts as to the legality of certain instruments therein mentioned, connected with the Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway, and to confirm certain arrangements between the Municipality of the Town of Peterborough and the Lessees of the said Branch....	316
61. An Act to incorporate the Quebec Street Railway Company....	319
62. An Act to authorize Marie Louise Levasseur to collect tolls on a Bridge over the River Becancour, in the County of Nicolet....	324
63. An Act to incorporate certain persons under the name of the <i>Montreal and Salaberry Steamboat Company</i>	326

TABLE OF CONTENTS.

Caps.	PAGES.
64. An Act to incorporate certain persons under the name of "The Bay of Quinte and River St. Lawrence Steamboat Company."	331
65. An Act respecting the Kingston Marine Railway	337
66. An Act to incorporate the Sutton Mining Company.....	340
67. An Act to incorporate the Leeds Copper Mining and Smelting Company.....	344
68. An Act to incorporate the Upton Copper Mining and Smelting Company.....	347
69. An Act to incorporate the Harvey Hill Mining and Smelting Company of Leeds, in the County of Megantic, Canada East.	351
70. An Act to incorporate the St. Flavien Mining and Smelting Company.....	356
71. An Act to incorporate the Missisquoi Mining and Smelting Company.....	359
72. An Act to incorporate the Vale Mining Company.....	363
73. An Act to incorporate the Logan Mining and Smelting Company.	367
74. An Act to incorporate the Dummondville Mining Company of Canada East.....	370
75. An Act to incorporate the Clark Mining and Smelting Company.	374
76. An Act to incorporate the North Sutton Mining and Smelting Company.....	378
77. An Act to incorporate the South Acton Mining Company of Canada.....	382
78. An Act to incorporate the Orford Mining and Smelting Company of Lower Canada.....	385
79. An Act to incorporate the South Sherbrooke Mining and Smelting Company of Canada.....	390
80. An Act to incorporate the Royal Mining Company of Canada East.....	394
81. An Act to revive and amend the Acts relative to the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West.....	397
82. An Act to incorporate <i>La Société de l'Union St. Joseph de St. Jean d'Iberville</i>	398
83. An Act to incorporate the German Benevolent Society of Quebec.	400
84. An Act to incorporate the Benevolent and Mutual Aid Society of Industrie and the County of Joliette.....	402
85. An Act to incorporate the <i>Congrégation St. Michel de Sorel</i>	404

Caps.	PAGES.
86. An Act to incorporate the Lay Association of the Presbyterian Church of Canada, in connection with the Church of Scotland, at Montreal.....	406
87. An Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough, and for other purposes.....	407
88. An Act respecting the sale of certain property of the Presbyterian Church of the Township of Pickering, in connection with the Church of Scotland in Canada.....	409
89. An Act to provide for the succession of Trustees of the Church and Manse property belonging to St. Andrew's Church, Fergus, and to rectify the titles thereto; as also to authorize the Trustees of the Glebe of the said Church to sell the undisposed of residue thereof.....	410
90. An Act to amend the Act incorporating the Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa.....	413
91. An Act to incorporate the "Lacolle Academy".....	414
92. An Act to incorporate the Toronto Club.....	416
93. An Act for the sale or other disposition of the Lands belonging to the Estate of the late John Speirs.....	418
94. An Act to authorize the admission of John Henry Dumble to practise as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada.....	419

INDEX

TO

ACTS OF CANADA.

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**First Session, Eighth Parliament, 27 Victoria, 1863.**  
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	PAGE.
ACCIDENT Assurance Company, Incorporated.....	283
Acton, Municipality of, divided.....	65
Acts expired, revived and continued, viz:—.....	53
Trinity House Montreal, (Public Health,) 10, 11 V. c. 1.	
Sons of Temperance, Canada West, 14, 15 V. c. 149.	
Common of Laprairie, L. C., 2 G., 4, c. 8.	
——— of La Baie du Febvre, L. C., 2 G. 4, c. 10—4 G. 4, c. 26.	
——— of Grosbois, L. C., 9 G. 4, c. 32.	
Bankrupts, relief of (in certain cases only,) 7 V. c. 10— 9 V. c. 30—12 V. c. 18—13, 14 V. c. 20.	
Hastings, Registration of Titles, 9 V. c. 12—10, 11 V. c. 38—12 V. c. 97.	
Administrators and Executors, U. C., Sales of land under execution against them, declared valid.....	72
Agricultural Loan Association of Canada, charter amended.....	248
Arms, ammunitions, &c., exportation of, may be prohibited.....	53
Ashes, inspection of, Act amended.....	56
Assessment Act, Consolidated of U. C., amended, as to non-resident lands, &c.....	78
Aurora Village, amount of taxation in, restricted, &c.....	209
BANKRUPTS, Acts revived and continued for certain purposes....	54
Bank Charters repealed,—of Colonial Bank of Canada,—International Bank of Canada,—Zimmerman or Clifton Bank—and Bank of Western Canada.....	228
Banks. <i>See</i> City Bank—Molsons Bank—Jacques Cartier—Merchants Bank.	
Barrie, Town, and Northern Railway Company, disputes as to Branch lines settled.....	294
Bay of Quinté and St. Lawrence Steamboat Company, incorporated.	331

	PAGE.
Beauharnois, Town of, incorporated.....	155
Becancour River, Tolls on Levasseur's Bridge over.....	324
Benevolent and Mutual Aid Society of Industrie and the County of Joliette, incorporated.....	402
Bristol, Township, side lines in confirmed, &c.....	204
Brockville and Ottawa Railway Company, may issue Preferential Bonds for extending the line.....	299
CAYUGA VILLAGE , Council may sell part of Market Block....	210
Chênier, Municipality of, constituted.....	193
Chicoutimi and Saguenay, one Agricultural Society constituted for both.....	188
Clark Mining Company, incorporated.....	374
Clergy Reserve moneys, investment, &c., by Municipal Corporations in U. C.....	75
Clifton (formerly Zimmerman) Bank, Charter repealed.....	228
Churches, Parishes, &c., Con. Stat. L. C. c. 18, amended.....	66
City Bank, Acts respecting, amended and consolidated.....	212
Colonial Bank of Canada, Charter repealed.....	228
Common of Laprairie, Acts revived and continued.....	54
La Baie du Febvre.....	54
Grosbois.....	54
Common Law Procedure Act, U. C., amended.....	70
Congregation St. Michel de Sorel, incorporated.....	404
County of Middlesex Mutual Fire Insurance Company, name changed and certain powers granted to.....	290
County Courts Act, U. C., amended.....	71
Crédit Foncier, Institution of, established in Lower Canada.....	229
Customs, Act respecting duties of, amended.....	53
DEREHAM , Township Council may apply Clergy Reserve moneys for certain drainage works.....	207
Dogs worrying Sheep in U. C., Act respecting.....	81
Drummond and Arthabaska, new Municipalities erected in.....	192
Drummondville Mining Company of Canada East, incorporated....	370
Dumble, J. H., admission of, to practise the law in U. C.....	419
ELECTIONS , Act amended as to Registration of Voters in L. C....	57
Executors and administrators; U. C., sales of land under execution against, declared valid.....	72

	PAGE.
FERGUS, St. Andrew's Church and Manse, property at, provisions respecting	410
Fort Erie Railway Company, Charter amended and name changed.	307
GERMAN Benevolent Society of Quebec, incorporated.....	400
Grand Trunk arrangements Act 1862, errors in, corrected,.....	292
Railway Terminus, at Montreal, City may grant aid for,	293
Grand and subordinate divisions, &c. See Sons of Temperance.	
Grantham, Municipality of, constituted	193
HAM, North and South, divided into two Municipalities.....	195
Harvey Hill Mining and Smelting Company, incorporated.....	351
Hastings, Registration of Titles in, Acts revived and continued.....	55
INDUSTRIE, Village of, incorporated as Town of Joliette.....	123
Industrie. See Benevolent and Mutual Aid Society of.	
International Bank of Canada, Charter repealed	228
Interpleader, consolidated Act, U. C., c. 30, amended as to County Courts.....	71
JACQUES-CARTIER, La Banque, Charter amended	226
Joliette, Town of, incorporated.....	123
KAMOURASKA, District, Act for supplying loss of Records, &c., by the burning of the Court House and Gaol.....	189
Kingston Marine Railway, Act respecting.....	337
LACOLLE Academy, incorporated.....	414
Landed Credit (Crédit Foncier) Institution established for L. C....	229
Lands, seizure and sale of, in U. C. under execution against Executors or administrators, declared valid.....	73
Lay Association, of Presbyterian Church at Montreal, incorporated.	406
Leeds Copper Mining and Smelting Company, incorporated.....	344
Levasseur, M. L., may collect Tolls on Bridge over River Bécancour	324
Logan Mining and Smelting Company, incorporated.....	367
London and Canadian Loan and Agency Company (limited), incorporated	266
London, U. C., exchange of lands between corporation and St. Paul's Church authorities, confirmed	211
Lower Canada Consolidated Municipal Act amended.....	59
Lower Canada Investment and Agency Company (limited), incorporated	249

	PAGE.
MERCHANTS BANK, Charter amended.....	227
Middlesex Mutual Fire Insurance Company. <i>See</i> County of Middlesex, &c.	
Militia, Act respecting.....	14
Volunteer Force.....	39
Mining Companies. <i>See</i> Sutton—Leeds—Upton—Harvey Hill—St. Flavien—Missisquoi—Vale—Logan—Drummondville—Clark—North Sutton—South Acton—Orford—South Sherbrooke—Royal.	
Missisquoi Mining and Smelting Company, incorporated.....	359
Molson's Bank, Charter amended.....	225
Montreal Turnpike Roads, Act, &c., amended.....	198
Montreal City, may grant aid for Grand Trunk Terminus.....	293
Montreal and Salaberry Steamboat Company incorporated.....	326
Montreal Lay Association of Presbyterian Church, incorporated....	406
Municipal Act, Consolidated of L. C., amended.....	59
of U. C. amended, as to election of Councillors in Townships divided into Electoral Divisions...	73
Municipal Corporations U. C., investment of Clergy Reserve moneys	75
Summary Convictions under by-laws of	77
NON-RESIDENT LANDS, Consolidated Assessment Act of U. C., amended with respect to.....	78
North Ely, Municipality constituted.....	64
North Ham, Municipality of, constituted.....	195
Northern Railway Company, and Town of Barrie, disputes respecting Branch Line settled.....	294
North Sutton Mining Company, incorporated.....	378
ORFORD, certain proceedings of Municipal Council confirmed....	196
Orford Mining and Smelting Company, incorporated.....	385
Ottawa, Sisters of Charity at, name changed, &c.....	413
PARISHES, Churches, &c., Con. Stat. L. C., c. 18, amended.....	66
Partition of Township lands held in common, in L. C., Act amended,	69
Peterborough Branch Railway. <i>See</i> Port Hope, Lindsay, &c.	
Peterborough, sale and lease of Rectory lands.....	407
Pickering, sale of property of Presbyterian Church.....	409
Port Hope, Lindsay and Beaverton Railway, arrangements respecting Peterborough Branch confirmed.....	316
Pot and Pearl Ashes, inspection of, Act amended.....	56

	PAGE.
Presbyterian Church at Montreal, Lay Association of, incorporated..	406
Preston and Berlin Railway, sale and conveyance of, authorized, &c	297
QUEBEC, Recorder's Court at, law amended.....	83
Quebec Street Railway Company, incorporated	319
RAILWAYS. <i>See</i> Grand Trunk—Northern Railway—Preston and Berlin—Brockville and Ottawa—Stanstead, Shefford and Chambly—Fort Erie—Port Hope, Lindsay and Beaverton— Quebec Street Railway.	
Recorder's Court, Québec, law amended.....	83
Registration of Voters in L. C., Act amended.....	57
Royal Mining Company of Canada East, incorporated.....	394
SAGUENAY and Chicoutimi, one Agricultural Society for both	188
St. Albert de Warwick, Municipality of, constituted.....	192
St. Andrew's Church, Fergus. <i>See</i> Fergus.	
Ste. Cécile de Milton, Municipality constituted.....	65
Ste. Cécile, County of Beauharnois, Municipal Council may collect Tolls, &c., on a certain Macadamized Road	199
Ste. Clothilde de Horton, Municipality of, constituted.....	192
St. Ephrem de Tring, Municipality of, constituted.....	195
St. Flavien Mining and Smelting Company, incorporated....	356
St. Hyacinth, City of, new Act of incorporation....	85
St. Michel Turnpike Road, Montreal Trustees may acquire.....	198
St. Paul's Church, London, Exchange of lands confirmed....	211
St. Valérien de Milton, Municipality constituted.....	65
St. Valère de Bulstrode, Municipality of, constituted	193
St. Victor de Tring, Municipality of, constituted.....	195
Sarnia, Town of, may issue Debentures for redeeming certain others outstanding	206
Savings Banks, Act of 1841 amended	56
School Rates, L. C., collection of facilitated	69
Sheep, Act for protection of, in U. C.....	81
Sisters of Charity at Ottawa, Act amended, name changed, &c.....	413
Sons of Temperance, C. W., Act revived and continued.....	54
Acts revived and amended.....	397
Sorel. <i>See</i> Congrégation St. Michel de.	
South Acton Mining Company, incorporated	382
South Sherbrooke Mining and Smelting Company, incorporated....	390
South Ham, Municipality of, constituted.....	195

	PAGE.
Speirs, John, sale and disposition of his Estate.....	418
Stanstead, Shefford and Chambly Railway, further time allowed for completing.....	306
Stoke, Municipality of, separated from Windsor.....	194
Summary Convictions under Municipal By-laws in U. C.....	77
Supplies and appropriations for 1863, and Loan.....	3
Sutton Mining Company, incorporated.....	340
TAXES, arrears of on non-resident lands, U. C.....	78
Tingwick, Municipality of, constituted.....	193
Toronto Club, incorporated.....	416
Township lands held in common, partition of, Con. Stat. L. C., c. 44, amended.....	69
Townships, U. C. election of Municipal Councillors in certain cases.	73
Tring, Township of, divided into two Municipalities.....	194
Trinity House Montreal, Act 10, 11 V. c. 1, revived and continued..	54
UNION St. Joseph de St. Jean d'Iberville, incorporated.....	398
Upton Copper Mining and Smelting Company, incorporated.....	347
VALE Mining Company, incorporated.....	363
Victoria Road, Montreal, Acts amended with respect to.....	198
Volunteer Militia Force, Act respecting.....	39
Voters, in L. C., qualification and registration of.....	57
WARWICK, Municipality of, constituted.....	192
Waterloo County, North and South Riding reunited for Registration purposes.....	205
Wendover and Simpson, Municipality of, constituted.....	193
Western Canada, Bank of, Charter repealed.....	228
Western Canada Loan Company, Charter amended and extended..	246
Windsor and Stoke, separated as Municipalities.....	194
ZIMMERMAN Bank; Charter repealed.....	228

