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4th Session, 3d Parliament, 14 & 15 Vict., 1851.

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## B I L L .

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West.

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Received and read a first time, Tuesday, 15th  
July, 1851.

Second reading, Monday, 21st July, 1851.

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Hon. Mr. PRICE.

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TORONTO: PRINTED BY LOVELL AND GIBSON.

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## B I L L .

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance, in Canada West.

**W**HEREAS certain persons have associated themselves in this Province under the names of the *Grand Division* and *Subordinate Divisions of the Sons of Temperance in Upper Canada*; and whereas, in addition to the moral objects which that association has in view, they are associated for the purpose of establishing a fund for the mutual assistance and benefit of the members thereof, and of their families in case of sickness, disability or death; and whereas, for the purpose of managing the pecuniary affairs of the said association, it is desirable that the said Order of Sons of Temperance should be protected by an Act of incorporation: Be it therefore enacted, &c.,

That

15 members of the Grand Division of the Order of the Sons of Temperance of Canada West, and their successors, and such and so many other persons and parties as have become or shall become members thereof, shall be and are hereby constituted a body politic and corporate, by the name of "*The Grand Division of the Order of the Sons of Temperance of Canada West*," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered, unto in all Courts of Law or Equity whatsoever; and shall have uninterrupted succession and a common seal, which may by them be changed or varied at their pleasure.

II. And be it enacted, That it shall be lawful for the said Corporation to acquire and hold land, and immovable or real and personal property: Provided that the real estate to be held by the said Grand Division shall at no time exceed in value the sum of *ten thousand pounds*; and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of, the said property and estate as they may see fit.

Managers.

III. And be it enacted, That it shall and may be lawful for the said Corporation to appoint such members thereof as they may think proper, in such manner as they may by their by-laws provide, for the purpose of managing the funds and property of the said Corporation, and to revoke such appointments and substitute others in their places as they may think expedient, and to demand and accept such security as they may from time to time deem proper, from such parties, or from any other officers appointed by the said Corporation for the performance of their respective duties, and to make, ordain and put in execution, all such by-laws and rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of this Province.

Security.

By-laws.

Subordinate Divisions may become incorporated.

IV. And be it enacted, That each Subordinate Division of the Order of the Sons of Temperance now instituted, or which may hereafter become instituted within Upper Canada, may, in the manner hereinafter specified, be and become a body politic and corporate by the name, number and place of location by which it is or may be designated in the said Order, and that each Subordinate Division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the first section of this Act, for the sole purpose of managing their real and personal estate; Provided that the real estate to be held by such Subordinate Division shall in no case exceed the value of *five thousand pounds*, except in the Cities of Kingston and Hamilton, and the Town of London, in which places real property may be held to the value of not more than *ten thousand pounds*.

Proviso.

Mode in which a Subordinate Division may become incorporated.

V. And be it enacted, That each Subordinate Division which may be desirous of becoming incorporated shall and may, by a vote of two thirds of its members present at any regular meeting (of the intention to propose which vote two weeks' notice at least shall be given in regular meeting of such Subordinate Division by some member thereof, in writing) decide to become so incorporated; and that upon a copy of the vote of such decision, specifying the name, number and place of location of such Division, and the names of not less than *ten* of the members of such Subordinate Division, under the seal of the said Subordinate Division, and its Recording Scribe and Presiding Officer, together with a certificate of the Grand Division under its corporate seal and the signature of its Presiding Officer and Scribe, that such Subordinate Division is in full standing in the Order,—being filed in the office of the Register of the County in which such Division is situated,—the members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their associates and successors, members of such Subordinate Division, shall be and become,

from the time of fying such certificate as aforesaid with such Register, a body politic and corporate as aforesaid, by the style or name, number and place of location of such Subordinate Division.

5 VI. And be it enacted, That it shall and may be law- Provision as  
ful for the Treasurer of each Subordinate Division so to the invest-  
incorporated, and he is hereby empowered from time to ing of the  
10 time, by and with the consent of such Subordinate Funds of any  
Division, to be testified in such manner as may be Subordinate  
15 directed by their by-laws, to lay out and invest all such Division, &c.  
sum and sums of money as shall from time to time be col-  
lected and not required for the immediate exigencies of  
such Subordinate Division, in real estate or on mortgage,  
or in public or other stock or funds, or in such other  
15 manner as such Subordinate Division may deem best, and  
from time to time, with the like consent, to alter, sell and  
transfer such securities, real estate or funds respectively,  
and otherwise to re-invest or dispose of the same; and  
20 that the certificate, bill of sale, deed or other instrument  
of transfer, sale or discharge, of such estate or fund or  
security, shall be made under the seal of such Subordi-  
nate Division and signed by the Treasurer and Presiding  
Officer of such Subordinate Division; and that all such  
25 investments shall be made, and securities taken, and sales  
and transfers made, in the corporate name and capacity  
of such Subordinate Division.

VII. And be it enacted, That it shall and may be law- Security to  
ful for such Subordinate Division, when so incorporated, be given by  
to receive from the Treasurer thereof, from time to time, the Treasurer.  
30 in their corporate name, sufficient security by bond, with  
one or more surety or sureties or otherwise, as such Sub-  
ordinate Division may deem expedient, for the faithful  
performance of his duty as such, and that he will well  
and truly account for and pay and invest, from time to  
35 time, all such sums of money, funds or other property as  
may come to his hands or under his control, belonging to  
the said Subordinate Division, as directed by the said  
Subordinate Division.

VIII. And be it enacted, That no member of any Shares in  
40 Subordinate Division so incorporated shall have any property not  
power to assign or transfer to any person or persons transferable,  
whomsoever, any interest which he may have to or in &c.  
the funds or property of such Subordinate Division, but  
the same shall at all times be and remain under the con-  
45 trol of such Subordinate Division; and that no property  
or stock of any kind belonging to such incorporated Sub-  
ordinate Division shall be subject to the payment of the  
private debts of any of its members, nor to be liable to  
be taken in execution by any judgment creditor against  
50 any individual members of such Subordinate Division.

Liability of  
Subordinate  
Divisions.

IX. And be it enacted, That the property of each of the Subordinate Divisions, when incorporated, shall alone be held responsible for the debts and engagements of the Subordinate Division owning such property.

Disposal of  
property on  
the dissolution  
of any Subor-  
dinate  
Division.

X. And be it enacted, That upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold or conveyed in such manner as the members, present at any regular meeting when such dissolution shall have been determined upon by a two third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property as such Subordinate Division may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the debts or liabilities of such dissolved Subordinate Division, and the balance, if any, in such manner as the said Grand Division may deem best for the general interests of the Order in Upper Canada.

Provision in  
case any S.  
Division shall  
become inso-  
lvent. Grand  
Division to  
take pos-  
session of its  
property, &c.

XI. And be it enacted, That if at any time hereafter any one or more of the Subordinate Divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said Grand Division to enter into and upon and take possession of the said property, both real and personal, of which the said Subordinate Division so becoming bankrupt, shall be possessed, and the same and all debts owing to the said Subordinate Division, and all liens and securities therefor, and all the said rights of action of the said Corporation, for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the members, trustees or officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Division, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said Subordinate Division, the said Grand Division, so far as the said property shall extend, shall be and become liable for, and subject to, all debts and liabilities contracted by such Subordinate Division in its corporate capacity, and shall and may thenceforth substitute the names or name of such trustees or officers as aforesaid, for the time being, and of their successors, in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit, as the said Subordinate Division might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Division, and may sell and convey all such property, both real and personal, as the said Subordinate Division was possessed of or

was entitled to at the time of such bankruptcy, and may give all such deeds as may be necessary for the proper conveyance of the same.

XI. And be it enacted, That this Act shall continue <sup>Duration of</sup> ~~in force~~ for the period of *ten* years from the time of <sup>Act.</sup> the passing thereof.

XII. And be it enacted, That this Act shall be a Pub- Public Act.  
lic Act.