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STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE

SIXTEENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE FOURTH PARLIAMENT
OF CANADA

Begun and holden at Quebec on the Nineteenth of August and adjourned on the
Tenth of November, 1852, to the Fourteenth of February following :



HIS EXCELLENCY THE RIGHT HONORABLE

JAMES, EARL OF ELGIN AND KINCARDINE, K. T.
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

Anno Domini, 1852.





ANNO SEXTO-DECIMO

VICTORIÆ REGINÆ.

CAP. I.



An Act for avoiding doubts which might otherwise arise from the Act making alterations in the Territorial Divisions of Upper Canada, having come into effect since the last General Election.

[7th October, 1852.]

WHEREAS by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, which came into force on the first day of January now last, the boundaries of many of the Electoral Divisions were altered, and new Counties were created returning Members to the Legislative Assembly; and whereas Elections of Members to serve in the Legislative Assembly during the present Provincial Parliament, were held before the said Act came into force, and it is expedient to remove all doubts which might arise from the causes aforesaid as to Elections to be held in case of vacancies occurring in the said Legislative Assembly during the said Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Member of the Legislative Assembly elected before the first day of January now last past, to represent the West Riding of the County of York, shall be held to represent the County of Peel, and to have represented the same since the day last aforesaid: The Member of the Legislative Assembly elected before the said day, to represent the East Riding of the County of York, shall be held to represent the County of Ontario, and to have represented the same since the said day: The Member of the Legislative Assembly elected before the said day, to represent the North Riding of the County of York, and the Member of the Legislative Assembly elected before the said day to represent the South Riding of the said County, shall each be held to represent the present County of York,

Preamble.
14 & 15 Vict.
c. 5, cited.

Which among the present Electoral Divisions of U. C. Members elected there prior to 1st January 1852, shall be held to represent.

Vacancy of
the seat of any
member, how
filled.

York, and to have represented the same since the said day : Each Member of the Legislative Assembly elected before the said day to represent any other County or Electoral Division of Upper Canada, shall be held to represent, and to have represented since the said day, that County or Electoral Division which bears the same name as that for which he was elected, or which consists of Counties bearing the same names as those which before the said day composed the Electoral Division for which he was elected : and whenever the seat of a Member elected or returned as elected for any Electoral Division in Upper Canada, before the said day, shall become vacant, so that a new Writ of Election shall be required, such new Writ shall issue for the Election of a Member to serve in the Legislative Assembly for that County or Electoral Division which the Member whose seat shall be vacated was held to represent under the provisions of this Act, notwithstanding any change which may have been made in the names or boundaries of any Electoral Division since the Election of such Member, by the coming into force of the Act first above cited.

C A P . I I .

An Act to repeal the fifth and sixth Sections of *The Rail-way Clauses Consolidation Act.*

[7th October, 1852.]

Preamble.

WHEREAS it is expedient to repeal the fifth and sixth Sections or Clauses of a certain Act passed in the Session of the Provincial Parliament held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered fifty-one, and intituled, *An Act to consolidate and regulate the general clauses relating to Rail-ways* : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said fifth and sixth Sections or Clauses of the said Act shall be and are hereby repealed.

Secs. 5 & 6 of
14 & 15 Vict.
c. 51, repeal-
ed.

Bills of
this Session
for Special
Rail-way
Acts to be
dealt with as
if said sections
had never
been enacted.

II. And be it enacted, That no Bill for a Special Act for the allowance or establishment of a Rail-way, received by or introduced into the Legislature at its present Session, shall be rejected by reason or on account of any thing in the said Clauses of the said Act or either of them contained, but all such Bills shall be considered and dealt with to all intents and purposes as if the enactments in the said Clauses contained had never been made.

C A P .

CAP. III.

An Act to declare the intention of the Law organizing the Notarial Profession, with respect to the study of that Profession.

[7th October, 1852.]

WHEREAS serious inconvenience results from the interpretation put upon the fourteenth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada* : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the intention of the said Act expressed in the words "has *bonâ fide* served a regular clerkship, (under articles in writing deposited among the minutes of some practising Notary,) during five consecutive years, with a Notary duly appointed, and practising as such in Lower Canada, or during four consecutive years, if &c.," is that the candidate for admission to the Notarial Profession shall prove that he has served a sufficient length of time as provided by the Act above cited ; and that the word "consecutive" means that there shall not have been an interruption of more than three months in the service of such candidate.

Preamble.

10 & 11 Vict.
c. 21, cited.

Certain words
in s. 14, explained.

II. And be it declared and enacted, That an interruption of not more than three months in the service of any candidate for admission to the Notarial Profession, shall not prevent his examination or constitute in any manner an objection to his being admitted.

Interruption
not exceeding
three months
to be no bar.

III. And be it enacted, That this Act shall extend and be applied to any student presenting himself before any Board of Notaries in Lower Canada, whether the interruption hereinbefore referred to occurred before or after the passing of this Act.

To what cases
this Act shall
extend.

C A P . I V .

An Act to confer certain powers on Municipal Corporations and Companies to take Materials to repair Roads.

[7th October, 1852.]

Preamble.

WHEREAS it is expedient and necessary to grant certain powers to Municipal Corporations and Companies, who have already acquired, or may hereafter acquire, any of the Macadamized or Plank Roads formerly held by the Crown in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any Municipal Corporation or Company, who have already acquired, or may hereafter acquire, any of the Macadamized or Plank Roads formerly held by the Crown in Upper Canada, shall have the same power and authority to take materials for keeping any and all of such Roads in repair as is now given to Road Companies for the construction of Roads, in an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada*, chaptered eighty-four; and the price or damages to be paid to any person or party for such materials or for any thing done in pursuance of the powers given by this Act, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by the Act aforesaid.

Corporations
or Companies
having ac-
quired Roads
from the
Crown, to
have power to
take mate-
rials.

12 V., c. 84.

C A P . V .

An Act to authorize the City of Toronto to negotiate a Loan of One Hundred Thousand Pounds to consolidate a part of the City Debt.

[7th October, 1852.]

Preamble.

WHEREAS the City of Toronto have petitioned to be authorized by law to borrow on the debentures of the said City, a sum not exceeding One Hundred Thousand Pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed

passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the City of Toronto, to raise by way of Loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of one hundred thousand pounds of lawful money of Canada.

The City of Toronto may borrow £100,000.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Toronto for the time being, to cause to be issued debentures of the said City of Toronto, under the Corporation Seal of the said City, signed by the Mayor and counter-signed by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of one hundred thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Debentures may be issued.

III. And be it enacted, That the sum of fifty thousand pounds, part of the said Loan so to be raised as aforesaid, shall be applied by the said City of Toronto in the payment of the promissory notes of the said City now current in this Province, and in the redemption of such of the debentures of the said City of Toronto as were issued prior to the passing of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one general Law for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, and may fall due within the ten years next after the passing of this Act.

£50,000 to be applied to the redemption of certain notes, &c., of the said City.

IV. And be it enacted, That the Funds derived from the negotiation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Bank of Upper Canada, at Toronto, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes and debentures in the next preceding section of this Act mentioned.

The said £50,000 shall be deposited in Bank of U. C., and applied solely to the said purposes.

V. And be it enacted, That the sum of fifty thousand pounds, the remainder of the said Loan so to be raised as aforesaid, shall be applied in payment of ten thousand shares of the capital stock of "The Ontario, Simcoe and Huron Railroad Union Company," lately purchased by the said City of Toronto,

£50,000 to be applied to the payment of Stock taken in a certain Railroad.

Toronto, under resolution of the Common Council passed on the twenty-ninth day of July, one thousand eight hundred and fifty-two, in manner herein provided; and it shall be the duty of the Chamberlain of the said City for the time being, (and he is hereby authorized and empowered so to do,) forthwith, with the consent of the holders thereof, to call in such debentures of the said City of Toronto as may have heretofore been issued under any By-law of the Common Council of the said City, and taken in payment of such stock, and to substitute therefor so much of the funds received on account of the debentures to be issued under this Act as may be necessary for that purpose.

A certain By-law of the Common Council of Toronto may be repealed.

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Toronto, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council, passed on the twenty-eighth day of June, one thousand eight hundred and fifty-two, authorizing the levy of a special rate for the purpose of paying and satisfying certain debentures issued or to be issued in aid of the said Ontario, Simcoe and Huron Union Rail-road, or payment of the said stock, and that for the payment, satisfaction and discharge of the debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Toronto, in a By-law to be passed authorizing the said Loan of One Hundred Thousand Pounds, and the issuing of the debentures therefor, to impose a special rate per annum over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

A special rate to form a Sinking Fund may be imposed by By-law.

How sums raised by such rate shall be invested, and the dividends or interest thereon applied.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Toronto, from time to time to invest all sums of money raised by special rate for the Sinking Fund, provided in the preceding section, either in the debentures provided by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created by this Act.

By-law to be passed under s. 6, not to be repealed until debt created by this Act be paid. Sec. 173 of 12 Vict. c. 81, shall extend to any By-law passed under this Act.

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act shall not be repealed until the debt created by this Act and interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

C A P . V I .

An Act to provide an efficient remedy against any inconveniences which might result from the destruction of certain Registers of the Parish of St. Louis de Lotbinière.

[7th October, 1852.]

WHEREAS the Sacristy of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, was consumed by fire on the fifteenth day of December, one thousand eight hundred and fifty, and certain Registers of Baptisms, Marriages and Burials, in the said Parish, whereof there are duplicates in the office of the Prothonotary of the Superior Court at Quebec, were destroyed by the said fire ; And whereas it is expedient effectually to remedy the inconvenience which might result therefrom : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be the duty of the Prothonotary of the Superior Court at Quebec, to make, in books to be authenticated by one of the Judges of the said Court, in the manner prescribed by law with regard to books in which Registers of Baptisms, Marriages and Burials are to be kept, correct copies of the Registers of the said Parish deposited of Record in his Office, up to the end of the year one thousand eight hundred and forty-nine, and to certify the same under his hand as true and faithful copies, and to deliver the same to the Rector (*Curé*) of the said Parish for the time being, or to such other person as may have the custody of the Registers of the said Parish, to be kept in the Archives of the Fabrique thereof : and all extracts from the said copies made and certified by the Rector (*Curé*) of the said Parish for the time being, or other person having by law the custody of the said copies, shall be *prima facie* evidence of the facts therein stated.

Preamble.

Prothonotary of the Superior Court to furnish copies of Duplicate Registers in his Office, to the *Curé*, &c.,—

Effect of certified extracts from such copies.

C A P . V I I .

An Act for avoiding doubts as to the true meaning of a certain enactment in the Act regulating elections of Members of the Legislative Assembly.

[10th November, 1852.]

Preamble.

12 V. c. 27.

Recital.

True meaning
of the recited
enactment de-
clared.

WHEREAS in the twenty-third section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the people of this Province in the Legislative Assembly thereof*, it is enacted, "that on the day so fixed as aforesaid by the Returning Officer for closing the election, the said Returning Officer shall proceed at the appointed hour to the same place at which he shall have opened the election and granted a poll as aforesaid, and he shall then and there, in the presence of the Electors assembled, proceed to ascertain the state of the General Poll at the election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the election in the whole County, Riding, City or Town, for which the election shall have been had; and as soon as he shall have so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such County, Riding, City or Town, in the said Legislative Assembly, the person or persons who shall have a majority of the total number of votes so counted and added up, which shall have been taken and recorded according to Law in all the Parishes or Townships, or Unions of Townships or Wards, or parts of Parishes or Townships, (as the case may be) in such County, Riding, City or Town":—and doubts might arise as to the true meaning of the words, "a majority of the total number of votes" used in the said enactment: For avoiding such doubts, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the true intent and meaning of the enactment recited in the Preamble to this Act is, that the Returning Officer shall add together the votes given for each Candidate at the several Polling places, as taken and recorded in the several Poll Books, and having so ascertained the total number of votes which each Candidate shall have received in the County, Riding, City or Town, shall proclaim as duly elected the Candidate who shall have received the greatest number of votes, and if two Members are

are

are to be elected, then also the Candidate who shall have the next greatest number of votes : and that it was not the intent of the said enactment that it should be necessary that the Candidate or Candidates proclaimed as elected should have an absolute majority of the whole number of votes polled.

C A P . V I I I .

An Act to amend two certain Acts therein mentioned and to make further provision for the management of the Post Office.

[10th November, 1852.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Post Office Act and also of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Post Office Act*, as may be inconsistent with the provisions of this Act be and the same is hereby repealed.

Inconsistent enactments of 13 & 14 V. c. 17, and 14 & 15 V. c. 71, repealed.

II. And be it enacted, That it shall be the duty of the Post Master General to advertize Contracts for carrying the mails involving an annual cost of more than fifty pounds in a Newspaper published at the Seat of Government only in cases in which according to his judgment the public interest requires such advertizement to be made.

In what cases only contracts need be advertized at the Seat of Government.

III. And be it enacted, That when in the opinion of the Post Master General the lowest proposal received after Public Advertisement for the performance of the Mail Contract is excessive, he shall not be compelled to accept the said proposal, but may in his discretion either re-advertise the said Contract for further competition or offer to the persons from whom proposals have been received, each in his turn, beginning with the lowest, such sum as he may deem an equitable and sufficient price for the said Contract, and may enter into a Contract with such of the said persons as may accept his offer accordingly.

Proceedings when the P. M. G. shall deem the lowest tender excessive.

IV. And be it enacted, That the Post Master General may from time to time, with the approval of the Governor in Council, make any arrangement which may be deemed just and expedient for allowing the mails of the United States to be carried or transported at the expense of the said United States over any part or portion of this Province, from any one point in the territory of the said United States to any other point in the same

P. M. G. may allow U. S. mails to be carried through Canada on certain conditions.

same territory, upon obtaining the like privilege for the transportation of the Mails of this Province through the United States when required.

Such mails to be deemed H. M. mails as regards the punishment of offences committed in respect thereof.

V. And be it enacted, That every United States' Mail so carried or transported as aforesaid shall, while within this Province, be deemed and taken to be a Mail of Her Majesty so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto or to any part thereof, which would be punishable under the existing Laws of this Province in case the same had been a Mail or part of a Mail of this Province, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as though the same were a Mail or part of a Mail of this Province; and in any indictment for such act or offence such Mail or part of a Mail may be alleged to be, and on the trial of such indictment shall be deemed and held to be a Mail or part of a Mail of this Province; and in any indictment for stealing, embezzling, secreting or destroying any Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post through and by all and every of the said United States Mail or Mails as aforesaid, it shall be lawful to lay in the Indictment to be preferred against the offender the property of such Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post as herein mentioned, in the Provincial Post Master General, and it shall not be necessary to allege in the Indictment or to prove upon the trial or otherwise that the Post letter, Post letter-bag, packet, chattel or valuable security was of value.

Property of letters, &c., may be laid in P. M. G.

Punishment of persons stealing, counterfeiting, &c., keys or locks used for mails.

VI. And be it enacted, That if any person shall steal, purloin, embezzle or obtain by any false pretence, or shall aid or assist in stealing, purloining, embezzling or obtaining by any false pretence, or shall knowingly or unlawfully make, forge or counterfeit, or cause to be unlawfully made, forged or counterfeited, or knowingly aid or assist in falsely and unlawfully making, forging or counterfeiting any key suited to any lock which has been or shall be adopted for use by the Post Office Department of Canada, and which shall be in use on any of the Mails or Mail-bags of the said Post Office Department, or shall have in his possession any such Mail-key or any such Mail-lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold or otherwise disposed of, such person shall, on conviction, be deemed guilty of felony and shall be punished by imprisonment in the Provincial Penitentiary for a period not exceeding seven years.

Post Masters may be allowed to be contractors.

VII. And be it enacted, That it shall be within the discretion of the Post Master General to authorize and allow a Post Master to undertake and perform a contract for the transportation of a Mail subject to the regulations applying to all Mail contracts, when,

when, in his opinion, the interests of the public service will be thereby promoted.

VIII. And be it enacted, That it shall be lawful for the Post Master General, or for any Post Master by him to that effect duly authorized, to detain any Post Letter suspected to contain any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, and to forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such Collector, requiring his attendance, left at or forwarded by the post according to the address on the letter, may open and examine the same ; and in case on any such examination any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered, such Collector may detain the letter and its contents for the purpose of prosecution ; and if no contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered in such letter, the same shall, if the party to whom the same is addressed be present, be handed over to him on his paying the postage (if any) charged thereon, or if he shall not be present, the same shall be returned to the Post Office and be forwarded to the place of its address.

Letters suspected to contain contraband goods may be detained: proceedings in such case.

IX. And be it enacted, That no mail stage or other winter or summer vehicle carrying a Mail shall be exempt from tolls or dues on any Road or Bridge in this Province, unless in the Act or Charter authorizing such Road or Bridge, it is specially so provided ; but in respect of existing contracts the exemption which existed heretofore shall be continued unless on the arrival of the Stage or Vehicle at the toll-house, toll-bar, or other place where tolls or dues for the use of such Road or Bridge are collected, there be more than four passengers and an ordinary allowance of baggage for each passenger in or on such mail stage or other winter or summer vehicle carrying the Mail as aforesaid.

In what cases only vehicles carrying the mail shall be exempt from toll. -

C A P . I X .

An Act for the establishment of a Line of Steam Vessels, between this Province and the United Kingdom.

[10th November, 1852.]

WHEREAS it will tend greatly to advance the prosperity of the Province, that a Line of Steam Vessels should be established which should afford as frequent, direct and rapid communication between this Country and the United Kingdom

Preamble.

Kingdom

£19,000 stg.
per annum
appropriated
for establish-
ing a line of
Steamers bet-
ween this Pro-
vince and
Liverpool.

Kingdom, at all seasons, as circumstances will permit : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Govern- ment of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor of this Pro- vince, to cause to be paid and applied annually, and during a period of seven years, from the first day of May, one thousand eight hundred and fifty-three, a sum not exceeding in any year nineteen thousand pounds, sterling, out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, for the purpose of establishing a Line of Steam Vessels, to run once every fortnight each way between the Port of Liverpool, in England, and the Ports of Montreal and Quebec, in this Province, during such time in each year as the navigation of the River St. Lawrence shall be open; and once every month each way between the said Port of Liverpool and the Port of Halifax, in Nova Scotia, or the Port of Portland, in the State of Maine during the remainder of the year; the said service to be performed and the said monies expended in such manner and under such regulations as the Governor in Council shall deem best adapted to advance the interests of this Pro- vince.

Exemption
from dues.

II. And be it enacted, That the said Steam Vessels shall be exempt from all light dues, tonnage duties or provincial imposts on vessels navigating the River St. Lawrence.

Accounting
clause.

III. And be it enacted, That the due application of the monies hereby appropriated shall be accounted for in the usual manner and form to the Parliament of this Province, and to Her Majesty, Her Heirs and Successors, in such manner and form as they shall be pleased to direct.

C A P. X.

An Act to provide by one General Law for the Incorporation of Electric Telegraph Companies.

[10th November, 1852.]

Preamble.

WHEREAS it is expedient to provide by one General Law for the incorporation and regulation of Companies formed for the purpose of constructing lines of Electric Telegraph in this Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom

Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That—

I. Any number of persons, not less than three, may associate for the purpose of constructing a line or lines of Electric Telegraph, with branches leading to and from the same, from and to any point in this Province, upon the terms and conditions, and subject to the liabilities prescribed in this Act. Associations may be formed.

II. Such persons, under their hands and seals, shall make a Certificate which shall specify : Certificate to be made and filed.

1st. The name assumed to distinguish such Association, and to be used in its dealings, and by which it may sue and be sued, and a designation of the line or lines of Telegraph to be constructed by such association, and the route or routes by which such lines are to pass ;

2dly. The capital stock of such Association, and the number of shares into which the stock shall be divided, and any provision which may be made for increasing the same, the names of the Shareholders, and the amount of stock held by each ;

3dly. The period at which the said Association shall commence and terminate ;

4thly. A copy of their Articles of Association.

And such certificate shall be acknowledged before a Notary, and the original or a copy thereof, certified by such Notary, shall be filed in the office of the Secretary of the Province.

III. Upon complying with the provisions of the last preceding section, such Association shall be and is hereby declared to be a Body Corporate by the name so as aforesaid to be designated in the said Certificate, and a copy of such Certificate, duly certified by the Secretary of the Province, may be used as evidence in all Courts and places for and against such Association. Incorporation.

IV. Such Association shall have power to purchase, receive and hold and convey, such real estate and such only, as may be necessary for the convenient transaction of the business and for the effectually carrying on the operations of such Association, and may appoint such Directors, Officers and Agents, and make such prudential Rules, Regulations and By-laws as may be necessary in the transaction of its business, not inconsistent with the laws of this Province. Corporate powers.

Powers for the construction of the line.

V. Such Association is authorized to construct the lines of Telegraph designated in its Certificate, along any and upon any of the public roads and highways, or across any of the waters within this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of such roads or highways, or impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters, and also upon any lands purchased by the Association, or the right to carry their line over which shall have been conceded to them by the parties having a right to make such concession, nor shall any thing herein contained be construed to confer on any such Association the right of building a bridge over any navigable water.

Penalty for injuring Telegraph or works.

VI. Any person who shall wilfully and maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said Lines of Telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction shall be had.

Increase of capital, &c., may be provided for.

VII. It shall be lawful for any Association of persons, incorporated under this Act, by their Articles of Association, to provide for an increase of their capital and of the number of their associates.

Amount of debts limited.

VIII. It shall not be lawful for any Association under this Act to contract debts exceeding one half of the amount of the Capital Stock of such Association; and all evidences of debt issued by such Association shall be issued and signed by the President and Treasurer thereof.

Existing Companies may avail themselves of this Act.

IX. Any Telegraph Association or Company now organized may become incorporated under this Act, on filing in the office of the Secretary of the Province a certificate authorized by a resolution of its Board of Directors, signed and certified by the Secretary of the Company, containing the particulars hereinbefore required in like cases, and signifying its acceptance of this Act.

Duties of Company in transmitting Despatches.

X. It shall be the duty of the owner of, or of the Association owning any Telegraph line now in operation, or that may hereafter be in operation, to transmit all despatches in the order in which they are received, under a penalty of not less than five nor exceeding twenty-five pounds, to be recovered, with costs of suit, by the person or persons whose despatch is postponed out of its order; except that any Message in relation to the Administration

Administration of Justice, arrest of criminals, the discovery or prevention of crime, and Government Messages or Despatches, shall always be transmitted in preference to any other Message or despatch, if required by persons connected with the Administration of Justice, or any person thereunto authorized by the Provincial Secretary.

XI. Any Operator of any Telegraph Line, or person employed by any Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty on Operators divulging secrets.

XII. Her Majesty may at any time, assume possession of any such Telegraph line and of all things necessary to the sufficient working thereof for any time, and may for the same time require the exclusive service of the Operators and other persons employed in working such line, and the Company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized Officer of the Provincial Government, under a penalty not exceeding twenty-five pounds for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs, in any way in which debts of like amount are recoverable by the Crown.

Government may assume the same temporarily.

Duty of operators, &c., in such case.

XIII. Her Majesty may, at any time after the commencement of any Telegraph line under this Act, and after two months' notice to the Company, assume the possession and property thereof, and upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the Company, as regards such Line, shall be vested in the Crown.

Her Majesty may assume the property of the line.

XIV. If any difference shall arise between the Company and those who act for the Crown, as to the compensation which ought to be paid to the Company, for any Telegraph Line and appurtenances taken under the thirteenth section of this Act, or for the temporary exclusive use thereof under the twelfth section, such difference shall be referred to three Arbitrators, one to be appointed on the part of the Crown, another by the Company, and the third by the two so appointed Arbitrators, and the award of any two of the said Arbitrators shall be final; and in case of refusal or neglect by the Company to appoint an Arbitrator on their behalf, or if the two Arbitrators cannot agree upon a third Arbitrator, then such Arbitrator shall be appointed by any two Judges

Mode of settling the compensation in case of difference of opinion.

Judges of the Queen's Bench or Common Pleas in Upper Canada, or of the Superior Court in Lower Canada, on application on the part of the Crown.

Municipal Corporations and Joint Stock Companies may take stock in Telegraph Companies.

XV. It shall be also lawful for any Municipal Corporation in this Province, or for any Joint Stock Company incorporated under any Act of the Parliament of this Province, to subscribe for and hold Stock in any Company to be formed under this Act, and to pay the amount of such subscription out of any Municipal or other funds not specially appropriated to any other purpose, and to levy money by rate, for paying any such subscription; and such Municipal Corporation shall have such rights as a Member of the Company, and shall vote upon the Stock held by it in such manner and by the intervention of such person or officer, as shall be determined by the Articles of Association.

C A P . X I .

An Act to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture.

[10th November, 1852.]

Preamble.

WHEREAS the improvement of Agriculture is an object of great importance to the people of this Province, and whereas the erection of Central Boards and the organization of Local Societies have been found eminently useful in promoting such improvement, but in the absence of a suitable provision for the collection and dissemination in an authentic form of facts and statistics relating to Agriculture, the full benefit of these Associations is not attained, and it is therefore expedient to provide for the establishment of a Bureau of Agriculture in connection with one of the Public Departments; and it is also expedient to amend and consolidate the laws now in force relating to Agriculture: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Lower Canada Agricultural Society*, and the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the incorporation of The Agricultural Association of Upper Canada*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a Board*

Certain Act repealed.

10 & 11 Vict. c. 60 & 61.

13 & 14 Vict. c. 73.

14 & 15 Vict. c. 127.

Board of Agriculture in Upper Canada, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the better organization of Agricultural Societies in Upper Canada*, shall be, and the same are hereby repealed, but all Agricultural Societies, Associations and Boards of Agriculture incorporated or otherwise, which have been lawfully organized or established under the said Acts, or any, or either of them, shall continue as if the said Acts were still in force, except in so far as such Societies, Associations or Boards may be altered or affected by this Act.

BUREAU OF AGRICULTURE.

II. It shall be lawful for the Governor in Council to establish and organize a Bureau of Agriculture, which shall be attached to one of the Public Departments, and the Head of such Department shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Minister of Agriculture.

Governor may establish a Bureau and Minister of Agriculture.

III. The said Minister shall be *ex officio* Member of all Boards of Agriculture which now are or hereafter may be established in this Province. It shall and may be lawful for the Members of the Board of Agriculture to elect from among themselves a President and Vice President at their first meeting and every annual meeting thereafter.

Such Minister shall be *ex officio* President of all Boards of Agriculture.

IV. The said Minister shall also receive all applications, drawings, descriptions, specifications and models for or relating to Patents for Inventions in this Province, and shall keep the records thereof; and all Acts now in force relating to Patents for Inventions and which direct any thing to be done by or through the Provincial Secretary, shall be held to have directed the same to be done by or through the said Minister.

And keep the records of Patents for Inventions.

V. The said Minister shall also be a Member of the Board of Registration and Statistics, in the place of the Inspector General and shall be the Chairman thereof, and shall under the general direction of the said Board, have charge of the Census and other Statistical Returns.

And be Chairman of Board of Registration, &c.

VI. It shall be the duty of the said Minister to institute inquiries and collect useful facts and statistics relating to the Agricultural interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he may find best adapted to promote improvement within the Province, and to encourage immigration from other Countries; and he shall annually prepare and submit to Parliament within ten days after the opening of each Session thereof a detailed and succinct Report of his proceedings.

He shall collect statistics relating to Agriculture.

All Boards of Agriculture, &c., to answer official communications from the Bureau.

VII. All Boards of Agriculture, Agricultural Societies, Associations, Municipal Councils, Mechanics' Institutes, Public Institutions, and Public Officers in this Province, shall promptly answer official communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on all questions submitted to them respectively; and any Officer of any such Board, Society, Association, Council, or other Public Institution who shall refuse, or wilfully neglect to answer any question, or to furnish any information relating to the Agricultural interests, or the Statistics of this Province, whenever required so to do, either by the said Minister, or by any person duly authorized by such Minister in that behalf shall for every such offence incur a penalty of ten pounds currency, which penalty shall be recoverable by any person suing for the same before any Court of competent jurisdiction and shall be paid to Her Majesty.

BOARDS OF AGRICULTURE.

Board of Agriculture constituted for L. C. 13 & 14 V. c. 73.

VIII. Whereas a Board of Agriculture has been established in Upper Canada under the authority of an Act of the Legislature of this Province, intituled, *An Act to establish a Board of Agriculture in Upper Canada*, and it is expedient to provide for the establishment of a similar Board in Lower Canada, and to simplify and reduce into one Act all provisions for the future operation and management of the said Boards respectively—Be it enacted, That it shall be lawful for the Governor in Council to constitute and appoint a Board of Agriculture for Lower Canada, to be composed of eight Members, exclusive of the *ex officio* members thereof; and it shall be the duty of the Lower Canada Agricultural Society established under and by virtue of the Act tenth and eleventh Victoria, chapter sixty hereby repealed, to take immediate steps to wind up its affairs, and so soon as the said Board shall be constituted, all the property moveable and immoveable which may remain and belong to the said Society after payment of its just debts, shall be transferred to and become the property of the said Board, and all actions or suits now pending or which may be brought by or against the said Society before the said Board shall be constituted, shall proceed to termination as if the said Act tenth and eleventh Victoria had not been repealed.

Presidents of Agricultural Associations to be *ex officio* Members of Boards.

IX. The Presidents, for the time being, of the Agricultural Associations hereinafter mentioned, and all Professors of Agriculture in chartered Colleges, Universities and other public educational institutions, shall respectively be Members *ex officio* of the Board for that section of the Province in which they reside.

Retirement from Office of four Members of Board.

X. Four Members of each Board shall annually retire and cease to be Members thereof, unless re-elected; and the names of the first four Members, who shall so retire, shall on or before the

the First day of October, in the year of our Lord one thousand eight hundred and fifty-three, be ascertained by lot in such manner as the said Boards may respectively determine, and the names of the retiring Members shall forthwith be published in the Agricultural Journals of the section of the Province in which they reside.

XI. The remaining Members (except *ex officio* Members who shall be exempt from the operation of this and the previous section) shall vacate their seats at the expiration of a year from the retirement of the said first four Members, and so on in rotation, each seat being vacated every alternate year, but retiring Members may continue to exercise all their functions until their successors have been duly elected as herein-after provided.

As to remaining Members vacating Office.

XII. The County Agricultural Societies in Upper and Lower Canada respectively, shall, at their annual Meetings in February, in the year of Our Lord, one thousand eight hundred and fifty-four, and at each annual Meeting thereafter, nominate four fit and proper persons to be Members of the said Boards of Agriculture respectively, and shall forthwith transmit the names of the persons so nominated to the Bureau of Agriculture, and the four persons who shall have been nominated by the greatest number of Societies shall be Members of the said Boards respectively, in the place of the Members vacating their seats as aforesaid. Vacancies which may at any time happen through death, resignation or otherwise, may be filled up by the Governor in Council.

County Agricultural Societies to nominate Members of Boards of Agriculture.

XIII. In case of an equality of votes for one or more of the persons so nominated, the Minister of Agriculture shall decide which shall be the Member, and he shall cause the persons so nominated, and the Boards to which they are nominated respectively, to be immediately notified of the result.

Minister to decide in case of equality of votes.

XIV. It shall not be lawful for either of the said Boards to pay or allow any sum to a Member thereof, for acting as such Member, except the amount of his actual necessary expenses in attending the regular meetings of the Board, but each of the said Boards may appoint a Secretary from among themselves or otherwise, and may pay him a reasonable salary for his services.

Members of Boards to receive only their expenses.

XV. The regular Meetings of the said Boards shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or Vice-President, or upon the written request of any three Members, and at least five days' notice of such Meeting shall be given to each Member, and it shall be lawful for the Board, in the absence of the President and Vice-President, to appoint a Chairman *pro tempore*, and five Members shall be a *quorum*.

Holding of regular Meetings.

Duties of
Boards.

XVI. It shall be the duty of the said Boards to receive the Reports of Agricultural Societies, and before granting the certificates hereinafter mentioned, to see that they have complied with the law; to take measures, with the approbation of the Minister of Agriculture, to procure and set in operation a model, illustrative or experimental farm or farms in their respective sections of the Province, and in connection with any public school, college or university, or otherwise, and to manage and conduct the same; to collect and establish, at Toronto and Montreal respectively, an Agricultural Museum and an Agricultural and Horticultural Library; to take measures to obtain from other countries animals of new or improved breeds; new varieties of grain, seeds, vegetables or other agricultural productions; new or improved implements of husbandry or new machines which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables or other productions, implements or machines, and generally to adopt every means in their power to promote improvement in the agriculture of this Province; and the said Boards shall keep a Record of their respective transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures and other useful information as the said Boards respectively may procure and adjudge suitable for publication; and, if the said Boards or either of them shall publish a monthly Journal, or adopt as their channel of communication with Agricultural Societies the Agricultural Journals now published in Upper and Lower Canada respectively, it shall be the duty of all Agricultural Societies receiving any share of the Public Grant to give at least one month's notice of the time and place of holding their Exhibitions in the Journals so published or adopted by the said Boards respectively.

They shall
transmit to the
Bureau copies
of their By-
laws, &c.

XVII. The said Boards shall transmit to the Bureau of Agriculture a copy of all their resolutions, By-laws or other formal proceedings, immediately after the adoption thereof, and every resolution, By-Law, or other proceeding of the said Boards respectively which may involve an expenditure of money to an amount exceeding ten pounds, shall not be passed except with the assent of a majority of the members thereof.

And shall be
Bodies Cor-
porate.

XVIII. Each of the said Boards shall be and become a Body Corporate, and shall have power to acquire and hold land and personal property, and to sell, lease or otherwise dispose of the same.

AGRICULTURAL ASSOCIATIONS.

Recital.

XIX. Whereas an Agricultural Association has existed for some time past in Upper Canada, and by means of annual exhibitions of the productions of that section of the Province, has effected much good and whereas it is expedient to organize

a similar Association in Lower Canada, and to make provision for the future support and management of the said Associations: Be it therefore enacted as follows:

The Members of the Boards of Agriculture, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and all subscribers of Five Shillings annually, shall in their respective sections of the Province, be and constitute an Agricultural Association for that section.

Agricultural Associations constituted.

XX. The Members of the Board of Agriculture and the Presidents and Vice-Presidents of County Societies, (or any two Members whom a County Society may have appointed Directors instead of its President and Vice-President) shall be the Directors of such Agricultural Association, and it shall be lawful for the Agricultural Association to elect a Treasurer.

Directors of Agricultural Associations.

XXI. The said Associations shall each hold an Annual Fair or Exhibition, which shall be open to competitors from any part of the Province, and the said Directors shall hold an annual meeting during the week of the annual Exhibition, and may at such meeting elect a President and Vice-Presidents, and appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a local Committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

Annual Fairs or exhibitions to be held.

XXII. The Board of Agriculture shall be the Council of the Association, with full power to act for and on behalf of the Association between the annual meetings thereof, and all grants of money, subscriptions, or other funds made or appropriated to or for the use of the Association, (except money collected by or granted to any local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of the said Board, and the Secretary of the Board shall be *ex officio* Secretary of the Association.

Board of Agriculture to be the Council of the Association.

XXIII. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the Board of Agriculture in its Corporate capacity, and no other contracts, agreements, actions or proceedings shall bind or affect the Association.

Contracts, &c., be made with Board in its Corporate capacity.

XXIV. It shall be lawful for the Municipality of any City, Town, Village, County, Township or Parish in this Province, to grant money in aid of the Agricultural Association for that part of the Province to which the Municipality belongs.

Municipalities may grant money in aid of Agricultural Associations.

AGRICULTURAL SOCIETIES, UPPER CANADA.

Act 14 & 15
Vict. c. 127,
cited.

XXV. Whereas the Act to provide for the better organization of Agricultural Societies in Upper Canada, passed during the now last Session, requires some amendments, and it is expedient to re-enact the same, and to embody therein the said amendments: Be it therefore enacted as follows:

COUNTY SOCIETIES.

County Agri-
cultural So-
cieties.

A County Agricultural Society may be organized in each of the Counties of Upper Canada, whenever fifty persons shall become Members thereof, by signing a Declaration in the form of the Schedule A to this Act annexed, and subscribing each not less than Five Shillings annually to the Funds of the said Society, and a true copy of the said Declaration shall within one month after being so signed be transmitted to the Board of Agriculture.

Their object
and duties.

XXVI. The object of the said Societies, and of the Township or Branch Societies in connection therewith, shall be to encourage improvement in Agriculture, by holding Meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved Husbandry, by promoting the circulation of the Agricultural Periodicals published in the Province; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds; by offering prizes for Essays on Questions of Scientific Enquiry relating to Agriculture, and by awarding Premiums for Excellence in the raising or introduction of Stock, the invention or improvement of Agricultural Implements and Machines, the production of grain and all kinds of vegetables, and generally for excellence in any Agricultural Production or Operation; and it shall not be lawful to expend the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned; and the Directors of every such County Society at any meeting which shall be called by written notice as hereinafter mentioned, and in which notice the object of the meeting shall have been specified, shall have full power to make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects.

Annual Meet-
ings—
Election of
Officers.

XXVII. The said Societies shall hold their annual Meeting in the month of February in each year, and shall at such Meeting, elect a President, two Vice-Presidents, a Secretary and Treasurer, and not more than seven Directors.

Presidents of
Township
Societies, &c.,
to be Directors
of County So-
ciety.

XXVIII. The Presidents of the several Township Agricultural Societies, within the County, shall, in addition to those before mentioned, be *ex officio* Directors of the County Society, and the said Officers and Directors shall and may for the year next following

following the Annual Meeting, and until the election of their successors, exercise all the powers vested in the County Society by this Act.

XXIX. The Meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to and given by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed ; and at any Meeting five shall be a quorum.

Meetings of
Officers and
Directors.

XXX. The said Officers and Directors shall in addition to the ordinary duties of management, cause to be prepared, and shall present at the Annual Meeting, a Report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the Animal, Article or thing in respect of which the same was granted, together with such remarks upon the Agriculture of the County, the improvements which have been or may be made therein, as the Directors shall be enabled to offer ; there shall also be presented to the said Annual Meeting, a detailed statement of the receipts and disbursements of the Society during the year, which Report and Statement, if approved by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or a Vice-President, as being a correct entry, and a true copy thereof certified by the President or Secretary for the time being, shall be sent to the Board of Agriculture, on or before the first day of April following.

Annual
Reports of
proceedings.

XXXI. The County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them to the Board of Agriculture, with such remarks thereon as may enable the said Board to obtain a correct knowledge of the progress of Agricultural Improvement in the County.

Reports shall
be transmitted
to Board.

XXXII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information as the Board of Agriculture, or Minister of Agriculture may from time to time, by Circular Letter, or otherwise, require, touching the interests or condition of Agriculture in their County, and generally to act as far as practicable upon the recommendations of the said Board.

Duty of Officers
with respect
to circulars,
&c., from
Board of Agri-
culture, &c.

TOWNSHIP SOCIETIES.

XXXIII. A Township or Branch Agricultural Society may be organized in each Township of any County, or in any two or more Townships together, whenever a sufficient number of persons shall become Members, by signing a declaration in the form of the Schedule A. to this Act annexed, and subscribing each

Branch Agri-
cultural Socie-
ties in Town-
ships.

each not less than Five Shillings annually to the funds thereof, to raise an aggregate sum of not less than Ten Pounds, and a true copy of the said Declaration certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

Annual Meetings thereof.

XXXIV. The said Societies shall hold their Annual Meeting in the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and not fewer than three or more than nine Directors.

Reports by their Officers.

XXXV. The said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a Report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing information under the same heads; and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of February.

GENERAL PROVISIONS.

As to Holding of Exhibitions in cases where there may be a County Society and Township Societies in the same County.

XXXVI. The Exhibition of the County Society shall be held at the County Town, but it shall be lawful for the Directors of the County Society, from time to time if they think fit, on the Petition of the Directors of the Society, of any Township (or Townships united for the purposes of this Act) other than the Township in which the County Town stands to appoint an Exhibition of the County Society, to be held within such other Township or United Townships, and in such case the Township Society so petitioning, shall not hold an Exhibition for that year, but the same shall merge in the Exhibition of the County Society, and the Funds of the Township or Branch Society for that year's Exhibition, shall be paid over to the Treasurer of the County Society: Provided that any Township or Branch Society shall not forfeit any right to a share of the Public Grant for not making a full Report for such year; Provided also, that the Directors of the Society of the Township in which the County Exhibition shall be held, shall for that year be *ex officio* Directors of the County Society.

Proviso.

As to Government grant to County Societies.

XXXVII. When the President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture, that any County Society has sent to the said Board Reports and Statements as required by this Act, for the year then last previous, and shall also certify that the Treasurer or other Officer of the said Society, has transmitted to the said Board an Affidavit, which may be in the form of the Schedule B to this Act annexed, and may be sworn to before any Justice of the Peace who is hereby authorized to receive the same, stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the Members thereof, and

and by the several Township Societies of the said County, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such County Society, for a sum to be taken out of any unappropriated moneys in the hands of the Receiver General, equal to three times the amount appearing by the said affidavit to be in the hands of the Treasurer: *Provided*, that no Grant shall be made unless Twenty-five Pounds be first subscribed and paid to the Treasurer; and provided that the whole amount granted to any County Society shall not exceed Two hundred and fifty pounds in any year; and provided also that it shall not be necessary that any County Society should have sent Reports and Statements as above mentioned to the Board of Agriculture, in order to obtain the Government allowance under this section for the first year in which it shall be established, but it shall be sufficient that such Society has complied with the other requirements of this Act.

XXXVIII. *Provided* always, That in the case of Counties united for judicial purposes, a County Society may be formed for the said United Counties, or for any one or two of such Counties, but the amount granted from the Public Fund to the Society for any two of such United Counties, shall not exceed two hundred and fifty pounds, and the amount granted to the Society for any one of the said United Counties, shall not exceed one hundred and fifty pounds.

XXXIX. Every Township or Branch Society, organized according to this Act, and sending a report of its proceedings to the County Society, as hereinbefore required, shall be entitled to a share of the grant to the County Society, in proportion to the amount which shall have been subscribed by the Members of such Township or Branch Society, and deposited with the Treasurer of the County Society, on or before the first day of May, in each year, as compared with the amounts so deposited by the other Township and Branch Societies of the said County; and the sum so deposited by any Township or Branch Society shall be repaid, along with its share of the Public Grant, so soon as the said grant shall have been received by the County Society: *Provided* always, that not more than three fifths of the sum so received by any County Society shall be subject to division among Township or Branch Societies; And provided that the declaration mentioned in section thirty-four, shall be deemed a sufficient report for the first year in which any Township or Branch Society may have been organized; And provided, that nothing in this Act contained shall be construed as admitting any Member of a Township Society in virtue of his subscription thereto, and without further subscription to the County Society to any of the privileges of a Member of such County Society.

XL. The Board of Agriculture shall receive from government, and pay over to the County Societies, the Public Grants

pay Public
Grant to
County So-
cieties.

to which they are respectively entitled, and it shall be lawful for the said Board to retain, for the use of the Agricultural Association, one tenth part of all such grants.

Penalty on
Treasurers in
certain cases.

XLI. Any Treasurer or other Officer of any County, Township or Branch Society, who shall make affidavit that a subscription, or any sum of money, has been paid to him for the Society, when it has not been so paid, or who shall return any such subscription, shall forfeit and pay to Her Majesty the sum of Ten Pounds for every such offence, and shall be guilty of perjury and be held liable to all the penalties with which the law may visit that crime.

County So-
cieties to be
Bodies Cor-
porate.

XLII. The several County Societies organized according to the provisions of this Act, or of the said Act of the 14th and 15th Victoria, intituled, *An Act to provide for the better organization of Agricultural Societies in Upper Canada*, shall be and become Bodies Corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any Township or Branch Society lawfully organized as aforesaid, may at any regular Meeting adopt a Resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Board of Agriculture, such Society shall thenceforth be and become a Body Corporate, and shall have like powers with County Societies.

School-Farms
may be esta-
blished.

XLIII. It shall and may be lawful for any County or Township Society, or the Municipal Council of any County or Township of Upper Canada, to purchase and hold land for the purpose of establishing a School-Farm to instruct pupils in the science and practice of Agriculture, and any Society and any Municipal Council may purchase and hold such School-Farm conjointly or otherwise, and may conjointly or otherwise make all necessary rules and regulations for the management thereof, provided that not more than one hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

SCHEDULE A.

Schedule re-
ferred to in
s. 34.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (*title and date of this Act*), to be called the "County (Township or Branch, as the case may be,) Agricultural Society of the County of _____" (or Township of _____); and we hereby severally agree to pay to the Treasurer yearly, while we continue Members of the Society, (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do,) the sums opposite our respective

respective names, and we further agree to conform to the Rules and By-Laws of the said Society.

Names.	£.	s.	d.

SCHEDULE B.

County of }
to wit: }

I, A. B., of the Township of _____, Treasurer of Schedule referred to in s. 38. , make oath and say, that the sum of _____ has been paid into my hands, since the first day of February last, by the Township Agricultural Societies of the said County, as and for the Members' subscription for this year; and that the sum of _____ has been paid into my hands, as subscriptions for this year, by members of the said County Society; and that the said sums, making in the whole the sum of _____, now remain in my hands, ready to be disposed of, according to law.

Sworn to before me }
this _____ day of _____ }
A. D. 185 . }

A. B.

C. D.
Justice of the Peace for the
County of _____

CAP. XII.

An Act to make more effectual provision for enforcing the Legal Rights of the Crown in regard to Public Works in Lower Canada.

[10th November, 1852.]

WHEREAS it is expedient to make more effectual provision for enforcing the Rights of the Crown in regard to Public Works in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Preamble.
the

A Guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever an action is brought on behalf of the Crown, to recover possession of any Pier, Road, Bridge, Building or other Public Work constructed by or at the expense of the Government of this Province, and situate in Lower Canada, it shall be lawful for the Court before which such action is brought or any one of the Judges thereof, to order the Sheriff of the District to put such person or persons as may be named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action and moving or petitioning for such order, in possession of the Public Work designated in such action or in regard of which such action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

Order for delivery to guardian, how obtained.

II. And be it enacted, That every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in Term or in Vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

Sheriff to *fiat* guardian in possession.

III. And be it enacted, That it shall be the duty of the Sheriff upon receipt of any such Order, to put the person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated, and to adopt all lawful means for that purpose.

CAP. XIII.

An Act to authorize the appointment of Assistant Judges of the Superior Court for Lower Canada in certain cases.

[10th November, 1852.]

Preamble.

WHEREAS great public inconvenience might arise from the illness or unavoidable absence of a Judge of the Superior Court for Lower Canada, at a time when no other Judge of the same Court could be spared to perform his duties; and it is therefore expedient that the Governor of this Province should in such cases have power to appoint an Assistant Judge of the said Court: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the

the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any Judge of the Superior Court shall, by illness, suspension from office, or other cause, be unavoidably prevented from performing his duties as such Judge, it shall be lawful for the Governor, if he shall see fit, to appoint by an Instrument under the Great Seal of the Province, some person qualified to be appointed a Judge of the said Court, to be an Assistant Judge thereof, either for a time certain, to be limited in such Instrument, or during the time the Judge first mentioned shall continue unable to perform his duties, in which last case the appointment of such Assistant Judge shall determine whenever such first mentioned Judge shall resume the performance of his duties or another Judge shall be appointed in his place: and during the time the appointment of any such Assistant Judge shall remain in force, he shall have and exercise all the powers and authority, and perform all the duties by law vested in or assigned to a Judge of the said Superior Court, as if he had been appointed a Judge thereof, and shall reside at the place named for that purpose in the Instrument appointing him.

Assistant Judges of the Superior Court may be appointed in certain cases.

CAP. XIV.

An Act to amend the Act providing for the Summary Decision of Small Causes in Lower Canada.

[10th November, 1852.]

WHEREAS experience hath shewn the necessity of introducing certain alterations in the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to provide for the Summary Trial of Small Causes in Lower Canada*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That on a petition signed by an absolute majority of the inhabitants of a Parish, Seigniorship or Township in Lower Canada, in which there now is, or in which there may then be a Court for the trial of Small Causes, and who are entitled to vote at the election of Municipal Councillors, which petition shall have annexed to it a Certificate of at least three persons residing in such Parish, Seigniorship or Township, (and who shall be respectively either Justices of the Peace or Officers of Militia holding rank higher than an Ensign,) certifying that the persons signing the petition do really form an absolute majority of the Municipal Electors residing in such

Preamble.

Act 7/V. c. 19.

Court may be discontinued on petition of an absolute majority of the Municipal Electors of the place.

Proviso. such Parish, Seigniorship or Township, the said petition praying that the Commissioners' Court in the said Parish, Seigniorship or Township may be suspended or discontinued, it shall be lawful for the Governor in Council to suspend or discontinue it; Provided always, that after the passing of this present Act no Commissioners' Court shall be established or re-established, unless on a petition signed by an absolute majority of the Municipal Electors of a Parish, Seigniorship or Township in Lower Canada, and certified as aforesaid.

C A P . X V .

An Act to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province.*

[10th November, 1852.]

Preamble.

WHEREAS it is expedient that more ample provisions should be made for the appointment of Justices of the Peace to act and have jurisdiction in the remote parts of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, in the manner provided for in an Act passed in the ninth year of Her Majesty's reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province*, to name and appoint such and so many fit and proper persons as may be deemed expedient to be, and act as Justices of the Peace within, and whose jurisdiction as such Justices of the Peace shall extend over such remote part or parts of Lower Canada, as the Governor in Council may by Proclamation define and declare, although such remote part or parts may be comprised within the constituted limits of any District of this Province, any thing to the contrary in the said Act contained notwithstanding, and that all the provisions of the said Act shall be deemed to apply and shall apply, to any Justice of the Peace to be appointed by virtue of this Act; and also to any Officer or Officers in command of any of Her Majesty's Vessels in the Gulf and River St. Lawrence, and to any other person who may have been or shall have been appointed a Justice of the Peace, with instructions to act as such in the Gulf and River St. Lawrence, and on the shores of the said Gulf and River, for the better protection of those of Her Majesty's subjects who are or shall be engaged in the trade of the Fisheries in the

Provisions of 9 Vict., cap. 41, extended to Justices appointed in certain places, and for certain purposes.

the said Gulf and River, in the same manner as if the said places and persons above mentioned and described were specially named and described in the said Act ; any thing to the contrary in the said Act contained notwithstanding.

C A P . X V I .

An Act further to extend the period limited for certain purposes by the Montreal Registry Act.

[10th November, 1852.]

WHEREAS it is expedient still further to extend and ^{Preamble.} continue for a limited time certain provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Deeds and Instruments relating to Real Property, in the Registry Office at Montreal,* which said provisions were ^{12 Vict. c. 121.} extended and continued by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to extend the period limited for certain purposes in the Montreal Registry Act,* and were again further ^{13 & 14 V. c. 93.} continued and extended by the fifth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue for a limited time the several Acts and Ordinances therein mentioned and for other purposes,* until the thirtieth day of August in the present year : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the Act first mentioned in the Preamble to this Act, or in the Acts secondly and thirdly mentioned therein, the period of twelve months from the passing of the said first mentioned Act, which is therein limited as the period during which the registration of certain Instruments may be efficiently completed in the manner in the said Act provided, and during which no error, omission or irregularity on the part of the late Edward Dowling, or his Deputy, shall be held to render the registration of any Instrument incomplete or void, and during which certain other things may or must be done under the said Act, shall be and is hereby extended to the thirty-first day of December in the present year, one thousand eight hundred and fifty-two, including the said day ; and the said Act and this Act shall be construed and have effect, to all intents and purposes whatsoever, and all Commissions issued under the said Act, and all things done or to be done by the Commissioners appointed under the same, shall be as valid and effectual, as if the period ^{Period allowed for certain purposes by 12 V. c. 121. extended.} ^{14 & 15 V. c. 68.} last

Exception.

last aforesaid had been mentioned in every part of the said Act instead of the period of twelve months from the passing thereof, and as if this Act had been passed before the expiration of the time to which the period last mentioned was extended and continued by the Act thirdly mentioned in the Preamble to this Act : save and except that the said Commissioners shall not after the first day of November in the present year, receive any Instrument, or any new Evidence, written or parole, as to the time when any Instrument was presented to or received by the said Edward Dowling or his deputy, or as to the fact of its having been presented to or received by either of them, but the said Commissioners shall be governed solely by such Instruments and Evidence as they shall have received and have in their possession on or before the day last above mentioned.

Interpretation.

II. And be it enacted, That the word "Instrument" in this Act shall have the meaning assigned to it in the Act first mentioned in the Preamble to this Act.

CAP. XVII.

An Act to give effect to certain proceedings under the Act intituled, *An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight.*

[10th November, 1852.]

Preamble.

12 Vict. c. 58.

WHEREAS by the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight*, it was among other things enacted and provided, that the Commissioners to be appointed under the said Act, should report their proceedings to the Governor of this Province on or before the first day of September, one thousand eight hundred and fifty, and that no sitting of the said Commissioners should be held after the said first day of September in the said year ; And whereas in fact the Commissioners appointed under the said Act were compelled for the better discharge of their duties as such Commissioners, and from the number of applicants under the said Act, to hold several of their meetings after the said day, and did make their report after the said day ; And whereas it is expedient to give effect to the sittings, proceedings and report of the said Commissioners : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority

of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all the sittings and proceedings of the said Commissioners, and the report of the said Commissioners, shall in law and to all intents and purposes be held good and valid in the same manner as if the same had been had, held, or made on or before the said first day of September, as in the said Act prescribed, notwithstanding any thing to the contrary in the said Act contained.

Proceedings
of Commissi-
oners con-
firmed.

CAP. XVIII.

An Act to provide for the better Organization of Agricultural Societies in Lower Canada.

[10th November, 1852.]

WHEREAS the Acts in force for the encouragement of Agriculture in Lower Canada require amendments, and it is expedient to consolidate in one Act all the provisions relating to Agricultural Societies: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada by the establishment of Agricultural Societies therein*,—the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act for the encouragement of Agriculture by the establishment of Agricultural Societies in Lower Canada*, and the Act passed in the same year, and intituled, *An Act to allow the formation of more than one Agricultural Society in a County in Lower Canada, and for the relief of the Society for the County of Montreal*, are hereby repealed: Provided always that the County Societies formed under the above mentioned Acts shall continue to exist until the time hereinafter provided for the formation of new Societies, and that all sums due at the time of the passing of this Act to any Agricultural Society under the said Acts, or by such Society under engagements entered into by it, shall be delivered to or by such Society, as provided by the said Acts.

Acts.

8 v. c. 53,

9 v. c. 14,

and

9 v. c. 24,

repealed.

Proviso: existing Societies continued for a certain time.

II. From and after the First day of January, one thousand eight hundred and fifty-three, a County Agricultural Society may be organized in each of the Counties of Lower-Canada, whenever

Society may be formed in each County, and how.

whenever thirty persons shall become Members thereof, by signing a declaration in the form of the Schedule A to this Act annexed, and subscribing each not less than five shillings annually to the Funds of the said Society, and a true copy of the said declaration shall, within one month after being so signed, be transmitted to the Board of Agriculture.

Object of such Societies, and how to be promoted.

III. The object of the said Societies, shall be to encourage improvement in Agriculture, by holding Meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved Husbandry, by promoting the circulation of the *Agricultural Periodicals* published in the Province; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds; by offering Prizes for Essays on Questions of Scientific Enquiry relating to Agriculture; and by awarding Premiums for excellence in the raising or introduction of Stock, the invention or improvement of Agricultural Implements and Machines, the production of grain and all kinds of vegetables, and generally for excellence in any Agricultural Production or Operation; and it shall not be lawful to expend the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned.

Annual Meetings:—
Directors, 7.

IV. The said Societies shall hold their Annual Meeting in the month of February in each year, and shall, at such Meeting, elect a President, a Vice-President, and a Secretary Treasurer, and not more than seven Directors, all of whom shall form the Board of Directors for such Society.

Term of Office

V. The Officers and Directors of the said Society shall and may, for the year next following the Annual Meeting, and until the election of their successors, exercise all the powers vested in the Society by this Act, and they shall hold their Meetings pursuant to adjournment or written notice to each from the President, or, in his absence, from the Vice-President, which shall be given, at least, one week before the day appointed for such Meeting, and at such Meeting five shall be a quorum, and the said Officers and Directors shall have power, at every such Meeting, to make, alter and repeal By-Laws and Rules for the management of the Society.

Meetings.

Quorum, 5.
Powers.

Annual Report to be made by Directors;—what it shall contain.

VI. The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the Annual Meeting, a Report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the Animal, Article or Thing in respect of which the same was granted, together with such remarks upon the Agriculture of the County, the improvements which have been

or may be made therein, as the Directors shall be enabled to offer; there shall also be presented to the said Annual Meeting a detailed Statement of the receipts and disbursements of the Society during the year, which Report and Statement, if approved by the Meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or Vice-President, as being a correct entry, and a true copy thereof, certified by the President, Vice-President, or Secretary, for the time being, shall be sent to the Board of Agriculture, on or before the first day of April following.

Statement of disbursements and receipts.

VII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information as the Board of Agriculture, or Minister of Agriculture may from time to time, by Circular Letter or otherwise, require, touching the interests or condition of Agriculture in their County, and generally to act as far as practicable, upon the recommendation of the said Board.

Answering Queries of Board, &c.

VIII. Each County Society established as above mentioned, shall be required in each year to hold at least one Show for the Exhibition of Agricultural produce, Farm Stock, and all other objects relative to Agriculture, in the manner in which they are usually held in Lower Canada, and Prizes shall be granted at the said Shows for the best Specimens produced, in the manner to be prescribed by the Board of Officers and Directors, and notice whereof shall have been publicly posted in each Parish and Township of the County; and the said Prizes may be distributed in Money, Books on Agriculture, Agricultural Implements of an improved description, or Grain of superior quality, on the award of at least two Judges, who shall be appointed by the Officers and Board of Directors of the Society; the said Judges shall not be capable of receiving any of the Prizes so awarded, and shall not be allowed more than Ten Shillings for Inspection at a Show, nor more than Two Pounds for the Inspection of growing Crops.

Society to hold at least one Show in each year.

Prizes.

Compensation to Judges.

IX. In case the Board of Officers and Directors of any County Society shall consider that any other system might be substituted for that of Shows, and that the sum allotted to each County might be better applied, either to the establishment of one or two Economical Model Farms, or Agricultural Schools, for a Public Granary, or to any other purpose for the improvement of Agriculture, it shall be lawful for such Society, through its Board of Officers and Directors, so to apply the said sum: Provided, notice thereof shall have been given to the Board of Agriculture and its approval obtained in behalf of such proposition.

What may be substituted for Shows with approval of Board.

X. No portion of the moneys belonging to any such Society shall be applied to the payment of any Salary or Allowance; except however, that a sum not exceeding seven per cent shall be

No Salaries to be paid: except an allow-

be

ance to Secretary-Treasurer.

be allowed to the Secretary-Treasurer on all moneys expended by such Society under this Act, in lieu of Salary and Allowance for Stationery and other contingent expenses.

Separate Society may be formed in a County, and how.

XI. Whenever a Memorial shall be presented to the Board of Agriculture signed by at least twelve persons residing in a part or section of any county which shall be the most Easterly, Northerly, Westerly or Southerly part or section thereof, representing that it is inconvenient on account of distance for the farmers of their section to attend the Exhibitions of the County Society, and that a sufficient number of persons are willing to subscribe the amount necessary to form an Agricultural Society under the provisions of this Act, it shall be the duty of the said Board, to examine such request and if the Board be of opinion that another Society may be advantageously organized in the said County, it may authorize the same to be organized accordingly, and shall prescribe the limits or section of the County within which its operations shall be confined, and the first County Society shall confine its operations to the other or remaining section of the County. Thirty persons shall be sufficient to form a separate Society and apply to the Minister of Agriculture for confirmation as such.

Name of separate Society; its rights, &c.

XII. The Society so organized shall be known as the County of (*insert name of County*) Society Number Two, (Three, or Four, as the case may be,) and the Declaration or Instrument of organization shall be the same as is hereby required for County Societies, except that the prescribed limits of its operations shall be specified therein, and every such additional County Society shall be entitled to a share of the Public Grant, in the ratio of its relative population to that of the rest of the County, and shall have all the powers of a County Society, and shall be subject to all the provisions of this Act relating to County Societies.

Society to be Corporations. Powers.

XIII. The several Societies which may be organized according to the provisions of this Act, shall be and become Bodies Politic and Corporate, with power to acquire and hold Land as a site for Fairs and Exhibitions or for a Model or School Farm, and to sell, lease or otherwise dispose of the same: Provided that not more than one hundred acres shall be so held at any one time.

Proviso.

On certain certificates, an allowance out of the Public moneys may be paid to each Society.

XIV. When the Vice-President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture that any Society has sent to the said Board Reports and Statements as required by this Act, for the year then last previous, and shall also certify that the Treasurer or other Officer of the said Society has transmitted to the said Board an affidavit, which may be in the form of Schedule B of this Act, and may be sworn to before any Justice of the Peace, who is hereby authorized to administer the same, stating the number of Members then

then belonging to the said Society, whose subscriptions for the then current year have been paid up and are in the hands of the Treasurer, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such Society, for a sum to be taken out of any unappropriated moneys in the hands of the Receiver General, equal to three times the amount appearing by the said affidavit to be in the hands of the Treasurer; Provido. provided, that no Grant shall be made unless ten pounds be first subscribed and paid to the Treasurer; Provido. And provided, that the whole amount granted to any County Society or to the Societies of any County, if more than one be organized therein, shall not in any year be more than the proportion they are entitled to, having reference to their population; Provido. And provided, that for the first year, after the formation of any Society, the Report and Statement, mentioned in this and in the sixth section, shall not be required.

XV. The Board of Agriculture shall receive from Government, and pay over to the Societies, the public money to which they are respectively entitled, and if two or more Societies be organized in any County and they together raise a sum exceeding twenty Pounds, the Board shall divide the County Grant between them in proportion to the relative population in each, and it shall be lawful for the said Board to retain for the use of the Agricultural Association one tenth part of all such Grants. Board of Agriculture to receive the grant and pay it over to Society, &c.

XVI. Any Treasurer or other Officer of a Society who shall make affidavit that a subscription, or any sum of money, has been paid to him for the Society when it has not been so paid, or who shall return any such subscription, shall be held to have committed perjury, and shall be liable to all the penalties which the Law may inflict for that offence. False statement by Treasurer to be perjury.

SCHEDULE A.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (*here state the title and date of this Act,*) to be called the County of (*name of County*) Agricultural Society, (*or, if there be a Society already organized under this Act in the said County, add the words, number two or three, as the case may be, and state the part or section of the County to which its operations are intended to be confined.*)

And we hereby severally agree to pay to the Treasurer, yearly, while we continue Members of the Society, the sum set opposite our respective names, and we agree to give written notice to the Secretary whenever we may wish to withdraw
from

from the Society, and we further agree to conform to the Rules and By-Laws of the said Society.

NAMES.	£	s.	D.

SCHEDULE B.

County of to wit :

I, A. B., of the County of Treasurer (or other
Officer) of the County of Agricultural Society (number
 Two or Three as the case may be) make oath and say, that
 there are thirty (or as the case may be) Members belonging to
 the said Society who have paid their subscriptions for the pre-
 sent year, and that there is now in my hands the sum of
 Pounds, being the produce of such subscriptions, ready to be
 disposed of according to Law.

Sworn to before me, this
 A. D. 185 .

day of

A. B.

C. D.
 Justice of the Peace.

CAP. XIX.

An Act to repeal the Acts therein mentioned, and to
 improve the Law of Evidence in Upper Canada.

[10th November, 1852.]

Preamble.

WHEREAS the inquiry after truth in Courts of Justice is
 often obstructed by incapacities created by Laws,
 and it is desirable that full information as to the facts in
 issue, both in Criminal and in Civil cases, should be laid
 before the persons who are appointed to decide upon them,
 and that such persons should exercise their judgment on the
 credit of the witnesses adduced and on the truth of their testi-
 mony: Be it therefore enacted by the Queen's Most Ex-
 cellent Majesty, by and with the advice and consent of the
 Legislative Council and of the Legislative Assembly of the
 Province of Canada, constituted and assembled by virtue of
 and under the authority of an Act passed in the Parliament
 of the United Kingdom of Great Britain and Ireland, and
 intituled, *An Act to re-unite the Provinces of Upper and*
Lower

Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That no person offered as a witness shall hereafter be excluded by reason of incapacity from Crime or interest, from giving evidence, either in person or by deposition, according to the practice of the Court, on the trial of any Issue joined, or of any Matter or Question, or on any Inquiry arising in any Suit, Action or Proceeding, Civil or Criminal, in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or Person having by Law or by consent of parties authority to hear, receive and examine evidence, but that every person so offered, may and shall be admitted and compellable to give Evidence on Oath, or solemn affirmation in those cases where an affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question or in the event of the trial of any Issue, Matter, Question or Inquiry, or of the Suit, Action or Proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence : Provided that this Act shall not render competent or authorize or permit any party to any suit or proceeding, individually named in the Record, or any Plaintiff, Lessor of the Plaintiff or Tenant of premises sought to be recovered in Ejectment, or the Landlord or other person in whose right any defendant in *replevin* may make cognizance, or any person in whose immediate or individual behalf any Action may be brought or defended either wholly or in part, or the husband or wife of such persons respectively, to be called as a witness on behalf of such party, but such party may in any Civil proceeding be called and examined as a witness in any suit or action at the instance of the opposite party : Provided always, that the wife of the party to any suit or proceeding named in the Record, shall not be liable to be examined as a witness by or at the instance of the opposite party.

Persons offered as witnesses not to be excluded for certain causes.

Proviso : parties to suits not to be witnesses : unless called as such by the opposite party.

II. And be it enacted, That whenever any party in such proceeding shall desire to call the opposite party as a witness, he shall either subpœna such party or give to him or his Attorney at least eight days' notice of the intention to examine him as a witness in the cause, and if such party shall not attend on such notice or Subpœna, such non attendance shall be taken as an admission *pro confesso* against him in any such Suit or Action, unless otherwise ordered by the Court or Judge, in which or before whom such examination is pending, and a general finding or Judgment may be had against such party thereon, or the Plaintiff may be non-suit or the proceedings in such Action or such Suit, may be postponed by such Court or Judge, on such terms as such Court or Judge shall see fit to impose.

A party to any civil suit may be summoned as a witness by the opposite party : and how : Penalty on such party not attending.

III. And be it enacted, That whenever a party to any such suit or action is resident out of Upper Canada, it shall be lawful for

Commission when the par-

ty to be examined resides out of Upper Canada: penalty if such party refuse to attend.

Proviso.

the Court in which such suit or action is brought, or any Judge in Chambers, at the instance of the opposite party, to issue a Commission for the examination of such party in the same manner as a Commission may be issued from any of the Superior Courts for the Examination of Witnesses; and if such party shall refuse to attend before such Commissioners, such refusal, proved by affidavit or otherwise, to the satisfaction of a Judge of the Court in which the suit is had, shall authorize a verdict or judgment to pass against such party, or he shall become non-suit: Provided that no such Commission shall be issued unless the party requiring such Commission shall state under oath, by affidavit, the facts intended to be proved before such Commission, and then the said Judge after being satisfied that such Commission is applied for in good faith, and not for purposes of delay, may issue such Commission.

Party charged with a criminal offence, not to give evidence for or against himself, &c.

IV. And be it enacted, That nothing herein contained shall render any person, who, in any proceeding, is charged with the Commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall, in any such proceeding, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, or shall, in any civil proceeding, render any person compellable to answer any question tending to criminate himself or herself, or to subject him or her to any prosecution for any penalty.

Probate of Will of a person dying out of U. C. but in Her Majesty's possessions, may be received in evidence.

V. And be it enacted, That whenever any person has died or shall hereafter die in any of Her Majesty's possessions out of Upper Canada, having made a will sufficient to pass real estate in Upper Canada, and whereby any such estate shall be devised, charged or affected, and such Will shall have been duly proved in any Court having the proof and issuing probate of wills in any of such possessions, and shall remain filed in such Court, the production of the Probate of such Will or a certificate of the Judge, Registrar or Clerk of such Court, that the original is filed and remains in such Court, and purports to have been executed before two witnesses, shall be sufficient *prima facie* evidence in any Court of Law or Equity in Upper Canada, in any proceeding concerning such Real Estate, of such Will and the contents thereof, and of the same having been executed so as to pass Real Estate, without the production of the original Will: Provided always, that notice of the intention to use such Probate or Certificate in the place of the original Will, shall be given to the opposite party in any such proceeding one month before the same shall be so used: And provided also, that such Probate or Certificate shall not be used if, upon cause shewn before any such Court of Law or Equity, or any Judge thereof, such Court or Judge shall find any reason to doubt

Proviso: notice to be given.

Proviso: if the Judge see cause to doubt sufficiency of execution.

doubt the sufficiency of the execution of such Will to pass such Real Estate as aforesaid, and shall make a rule or order disallowing the production of such Probate.

VI. And be it enacted, That the production of the certificate in the next preceding section mentioned, shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the Judge, Registrar or Clerk, without any proof of his appointment, authority or signature.

Certificate to be *prima facie* evidence of facts therein stated.

VII. And be it enacted, That whenever in any suit or action pending or hereafter to be brought, in either of Her Majesty's Superior Courts of Law or Equity in Upper Canada, any party is desirous of proving the Execution of the Will of any person, who at the time it shall be necessary to give such proof, may be dead, the production of the Probate of such Will or of Letters of Administration with the Will annexed, shall be received and taken as *prima facie* evidence of the due execution of such Will and of the contents thereof, in the same manner as if the original Will had been produced, and the execution thereof proven by the subscribing witnesses thereto; subject, nevertheless, to the provisos hereinbefore in the fifth section of this Act contained, as to notice to the opposite party of the intention to use such Probate or Letters in place of the original Will, and to any order that may be made by the Judge or Court disallowing the production of the same as therein mentioned.

Probate of Will receivable in evidence.

VIII. And be it enacted, That whenever any action or other legal proceeding shall henceforth be pending in any of the Superior Courts, or in any County Court in Upper Canada, such Court and each of the Judges thereof, in vacation, may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application, to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and if necessary, to take examined copies of the same, in all cases in which previous to the passing of this Act a discovery might have been obtained by filing a Bill, or by any other proceeding in a Court of Equity, at the instance of the party so making application as aforesaid to the said Court or Judge: Provided also that such application may be made to and granted by a Judge of a County Court in suits depending in the said Superior Courts, in the same manner and under such circumstances as is provided for similar applications in the said Courts, by the thirty-fifth section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to make further provision for the administration of Justice by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes.*

Judge may compel a party to allow opposite party to inspect documents, &c.

Proviso.

Act 12 V. c. 63.

Copies of books or documents to be evidence in certain cases.

IX. And be it enacted, That whenever any book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, and no Statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in any Court of Justice, or before any person now or hereafter having by law or by consent of parties, authority to hear, receive and examine evidence, provided it be proven to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding six pence for every folio of one hundred words.

Officer having charge thereof, to give certified copies.

Punishment of Officers giving false certificates.

X. And be it enacted, That if any Officer authorized or required by this Act, or by any law or usage now in force in Upper Canada, to furnish any certified copies or extracts, shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable upon conviction to imprisonment for any term not exceeding Eighteen months.

Punishment of persons forging documents &c., or using them knowing them to be forged.

XI. And be it enacted, That if any person shall forge any seal, stamp or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to imprisonment in the Provincial Penitentiary for any term not exceeding ten years, or to imprisonment in any Goal or House of Correction with hard labour, for any term not exceeding one year or less than two months. And whenever any such document shall have been admitted in evidence by virtue of this Act, the Court or the person who shall have admitted the same, may, at the request of any party against whom the same is admitted in evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted and tried, and if convicted, sentenced, and his offence may be laid and charged to have been committed in the County or place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence, may be dealt with, indicted and tried, and if convicted, sentenced, and his offence laid to have been committed in any County or place in which the principal offender may be tried.

Document may be impounded on request of party against whom it may have been used. When offenders may be tried.

XII. And be it enacted, That whenever in any legal proceedings whatever, legal proceedings may be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors had made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath.

Certain allegation not necessary in setting out legal proceedings.

XIII. And be it enacted, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to improve the Law of Evidence in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, An Act to improve the Law of Evidence in Upper Canada*, shall be and are hereby repealed: Provided always, that all things lawfully done under the said Acts or either of them, shall remain as valid and effectual to all intents and purposes whatsoever as if the said Acts respectively were not repealed, and the said Acts shall be held and construed to extend to all actions commenced between the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-one, and the passing hereof.

Act 12 V. c. 70, and

14 & 15 V. c. 66 repealed.

Proviso.

XIV. And be it enacted, That this Act shall apply only to Upper Canada, except in so far only as herein otherwise expressly provided.

Extent of Act.

C A P. X X.

An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada.

[10th November, 1852.]

WHEREAS from the increase of the population and business in many of the Counties in Upper Canada it hath become or may hereafter become necessary to appoint more than one Judge of the County Court in such Counties respectively, and doubts have arisen as to the powers of the Junior Judges of such County Courts, which doubts it is expedient to remove: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That whenever more than one Judge of the County Court shall be appointed for any County in Upper Canada, under the authority of the Act of the Parliament

Preamble.

Junior Judge of a County Court appointed.

Parliament

ed under 8 V.
c. 13, to have
power to hold
Division
Courts.

Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend, consolidate, and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada*, or any Act or Acts amending the same, the Judge of such Court, whose commission shall be of the oldest date, shall be known as the Judge of the County Court of such County, and any other Judge of the same Court shall be known as the Junior Judge thereof, and that the Junior Judge of any such Court in Upper Canada shall have full power and authority to hold and preside over all or any of the Division Courts in the County for which he shall have been appointed such Judge, and shall have, as regards any such Division Courts, the same duties, powers and authorities as the Judge of the same County Court, and generally that any Junior Judge of any County Court shall have, discharge, use and exercise, as regards any such Division Courts or the business thereof, the same duties, powers and authorities as are now or hereafter may by law be imposed upon or given to any Judge of a County or Division Court in Upper Canada: Provided always, and be it enacted, That nothing herein contained shall prevent or excuse the Judge of the County Court from presiding at any of the Division Courts within his County, when the public interests require it, although a Junior Judge may have been appointed for such County.

Proviso.

In case of
illness &c., of
the Judge, the
Junior Judge
may act for
him.

II. And be it enacted, That in case of the illness or unavoidable absence of the Judge of any County Court in Upper Canada, it shall be the duty of the Junior Judge of such Court to hold the County Court, with the same powers as the Judge of such Court, and he shall and may, during such illness or absence, have, use and exercise all other the powers vested in, and do all other acts and things which are by law required of or allowed to be done by the Judge of a County Court in Upper Canada within his County: but such Junior Judge shall not preside as Chairman of the Quarter Sessions of the Peace for the County for which he is appointed such Junior Judge.

Interpreta-
tion.

III. And be it enacted, That the word "County" in this Act shall include any Union of Counties for judicial purposes.

C A P. X X I.

An Act to supply an omission in Schedule B to the Upper Canada Municipal Corporations Law Amendment Act of 1850.

[10th November, 1852.]

WHEREAS in the Upper Canada Municipal Corporations Law Amendment Act of 1850, an error was accidentally committed in leaving out of Schedule B the division of the Town of Picton into Wards : Therefore, be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Schedule B, annexed to the Act first above cited, be amended, by inserting, immediately after the description of the boundaries of the Town of Picton, the following words :

Preamble.

Schedule B. amended, division of Picton into wards.

“ The said Town to be divided into three Wards to be called respectively, Hallowell Ward, Brock Ward and Tecumseth Ward, and to comprise respectively the following portions of the said Town, that is to say :

“ The said Hallowell Ward to comprise all that part of the Town which lies west of Bowery Street.

“ The said Brock Ward to comprise all that part of the Town which lies east of Bowery Street and north of the Bay.

“ And the said Tecumseth Ward to comprise all that part of the Town which lies on the south side of the Bay.”

II. And be it enacted, That notwithstanding the omission in the said Act of the description of the division of the said Town of Picton into Wards, every act and thing done by the Mayor and Town Council of the said Town shall be as valid as if the above mentioned description of the division of the said Town into Wards had been inserted in the said Schedule B at the time when the said Act was passed, and the said Act shall be construed and have effect to all intents and purposes as if the said description had been so inserted as aforesaid.

Confirmation of acts done by the Corporation.

CAP. XXII.

An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

[10th November, 1852.]

Preamble.

WHEREAS it would greatly facilitate the borrowing, upon advantageous terms, of such sums as may be required by any County, City, Town, Township or Village Municipality in Upper Canada, for effecting or aiding in effecting important Works calculated to benefit such County, City, Town, Township or Village, that such sums should be raised by Debentures issued upon the credit of a Consolidated Municipal Loan Fund under the management of the Provincial Government, instead of being raised upon the separate credit of each individual Municipality : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be a Consolidated Municipal Loan Fund of Upper Canada, to consist of all moneys which under this Act or any other Act shall be directed to form part of the said Fund ; and such Fund shall be managed by the Receiver General, under the direction of the Governor of this Province in Council, and the Books and Accounts thereof shall be kept in his Office.

Consolidated
Municipal
Loan Fund
established.

Municipalities
may borrow
money on the
credit of such
Fund for cer-
tain purposes.

II. And be it enacted, That it shall be lawful for the Corporation of any County, City, Incorporated Town, Township or Village, by By-law to authorize any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found requisite, to defray the expense of building or improving any Gaol or Court House for the use of such Municipality, or for acquiring, making, constructing or completing, or assisting in the making, construction or completion of any Rail-road, Canal or Harbour, or for the improvement of any navigable river, within or without the Municipality, but the acquisition, making or construction whereof will benefit the inhabitants of such County, City, Town, Township or Village, and by such By-law to declare the purposes to which the sum so to be raised shall be applied, and to make such other provisions as may be requisite for ensuring the due application of such money, and the attainment of the objects contemplated by such By-law ; and that it shall be lawful for the Corporation of any City or County by By-law to authorize any sum of money

money to be raised on the credit of the Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found necessary, to defray the cost of making or improving any Bridge, Macadamized, Gravel, or Planked Road, within or without the Municipality, but the making or improving whereof will benefit the inhabitants of such County or City, and by such By-law to declare the purposes to which the sum so to be raised shall be applied, and to make such other provisions as may be requisite for ensuring the due application of such money, and the attainment of the objects contemplated by such By-law.

1. By any such By-law it may be provided that the assistance of the Municipality shall be granted towards making, constructing, or completing any such Rail-road, Bridge, Macadamized, Gravel or Planked Road, Canal or Harbour, or towards the improvement of any navigable river, either by subscribing on behalf of the Municipality for Stock in any Company incorporated for making, constructing or completing the same, or by loaning money to such Company, or to any Board of Commissioners incorporated for any of the above purposes, in which case the security to be taken from the Company or Board of Commissioners, and the other terms of the loan shall be mentioned in the By-law.

How a Municipality may assist in any undertaking.

2. The By-law shall recite that the loan is to be raised under the provisions of this Act, and shall express the term for which the loan is required, which shall not in any case exceed thirty years, nor be less than five years.

What provisions the By-law must contain.

3. If the By-law be passed by a County Council, the principal and interest of the loan shall be payable by all the Townships, Towns and Villages in the County, and the County Treasurer shall in each year apportion the amount to be paid by each, according to the amount of property returned upon the Assessment Rolls of such Townships, Towns and Villages respectively, for the financial year next preceding that for which the apportionment is to be made.

Further provisions required in By-law.

4. Such By-law, or every material provision thereof, shall be published for the information of the Rate-payers, for at least one month before the final passing thereof, in some newspaper published weekly or oftener, within the territorial jurisdiction of the Municipality, or if there be no such newspaper published within such jurisdiction, then in some newspaper published in the place nearest to such jurisdiction, and also by posting the same up in at least four public places in the Municipality, (and if it be a By-law of a County Council then in each Municipality in such County) with a notice, signed by the Clerk of the Municipality in the Council of which the By-law originated, signifying that it is a true copy of a By-law which will be taken into consideration by the Council of the Municipality

To be published before passing.

Municipality after the expiration of one month from the first publication thereof in such newspaper, (the date of which first publication shall be mentioned in such notice,) and that on some day and at some hour and place, (or if the Meeting be for a County By-law, places,) named in the notice, and which shall have been previously fixed by the said Council, such day not being less than three weeks, nor more than four weeks after such first publication, a General Meeting of the qualified Municipal Electors of the Municipality, (or of the several Municipalities within the County,) will be held for the purpose of considering such By-law, and approving or disapproving the same.

General meetings of electors.

Proceedings at such meetings.

5. On the day and at the hour and place (or places) appointed by such notice as aforesaid, the qualified Municipal Electors, or such of them as choose to attend the Meeting, shall take the said By-law into consideration, and shall approve or disapprove the same; and at such Meeting the Mayor or Reeve of the Municipality in which it is held shall preside, or in his absence some other Member of the Council of such Municipality to be chosen by the Meeting, and the Clerk of such Municipality shall act as Secretary; and it shall be the duty of the said Clerk to have with him the Assessment Rolls of the Municipality then in force, or certified copies thereof: The only question to be determined at such Meeting, shall be whether the majority of the Municipal Electors present thereat, do or do not approve of the said By-law; and when the question has been put, the person presiding shall declare whether in his opinion the majority is for the approval or disapproval of the By-law, and his decision if not forthwith appealed from, shall be final, and it shall forthwith be communicated to the Council of the Municipality which originated the By-law, by a certificate under the hand of the Secretary of the Meeting.

A Poll may be demanded.

6. Any six duly qualified Municipal Electors present at any such Meeting may appeal from the decision of the person presiding, and demand a Poll, and such Poll shall be granted by the person presiding at the Meeting, and shall be immediately taken by him, the Clerk of the Municipality acting as Poll Clerk: each Elector shall then present himself in turn to the person presiding, and shall give his vote "yea" or "nay,"—the word "yea" meaning that he approves the proposed By-law, and the word "nay" that he disapproves the same:—but no person's vote shall be received unless he appears by the Assessment Rolls to be a duly qualified Municipal Elector.

Adjournment of Poll.

7. The person presiding may, if necessary, adjourn the Poll at sunset on the day of meeting, until ten o'clock in the forenoon of the following day, not being a Sunday or statutory holiday, when the Poll shall be continued as on the first day,

but

but shall be closed at sunset of such second day;—it shall be closed at any time on the first or second day if one half hour shall elapse without a vote being offered.

8. At the close of the Poll the person presiding shall count the “yeas” and the “nays,” and ascertain and certify for the information of the Council which originated the By-Law, whether the majority is for the approval or the disapproval of the said By-law; and such certificate shall be countersigned by the Clerk of the Municipality acting as Secretary of the Meeting and kept by him, with the Poll List, among the records of his office, and a duplicate thereof transmitted to the County Clerk if the By-Law originated with a County Council.

Close of the Poll.

9. If the By-law to be considered be a By-law of a County Council, the meeting to consider the same, or the poll of the electors, shall not be held for the whole County at one place, but such meeting or poll shall be held in each of the several Municipalities of such County respectively; and the question whether the By-law shall be approved or disapproved, either by the majority of the total number of electors voting “yea” or “nay,” in the whole County, or by the majority of votes of Municipalities approving or disapproving of the same, giving to each Municipality one or two votes, according as it is by Law authorized to return a Reeve or a Reeve and Deputy Reeve to the County Council of such County, in which case each Municipality shall be held to have voted for the approval of the By-Law, if the Majority of Electors voting at the Meeting held therein shall have voted “yea,” and to have voted for the disapproval thereof if the Majority of such Electors shall have voted “nay;” and each such County Council shall make a By-law to provide which of the two modes of decision shall be adopted, and shall also thereby declare the manner in which the decision of each Municipality, or of the electors thereof, shall be made known to the County Clerk.

By-law of a County Council.

10. If such By-law be disapproved by the majority of the Electors (or of the Municipalities) as aforesaid, the Council shall not proceed to pass the same, but if it be approved by such majority, and afterwards passed by the Council, then such By-law, and all the provisions thereof shall be subject to the approval of the Governor in Council, and shall have no force until such approval shall have been given; but shall not be subject to the special provisions made by the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, or by any Act amending the same, concerning By-laws creating debts, or to any provisions or formalities, except those prescribed by the said Acts with regard to By-laws generally, and those prescribed by this Act; and every such By-law, when submitted to the Governor in Council for his approval, shall contain a recital that it has been approved by a majority of the duly qualified Municipal Electors (or of

If disapproved:

If approved: Governor General to approve.

the Municipalities) of (or in) the Municipality, at a meeting (or meetings) called and held in conformity to the requirements of this Act, and such recital shall for all the purposes of this Act be conclusive proof of the facts therein stated, nor shall any such By-law, or any thing done under it, be invalidated by any error of fact or incorrectness in such recital; but this provision shall not affect the responsibility of those who may have wilfully concurred in any mis-statement of fact in such recital.

Information to be furnished to Governor.

11. Before such By-law shall be approved by the Governor in Council, proof shall be made to his satisfaction, that the By-law was published and notice given as hereinbefore required, and he shall be furnished with a statement certified under oath by the Treasurer of the Municipality, shewing the amount of taxable property therein according to the then last Assessment Roll or Rolls, and a true account of all the debts and liabilities of the Municipality and of its expenditure for every purpose, for the then last year.

Governor in Council may demand further information from Municipality.

III. And be it enacted, That it shall be lawful for the Governor in Council to require from the Municipality by the Council whereof any such By-law shall have been passed, all such documents and information as he may think necessary for ascertaining the expediency or in expediency of such By-law, or any of the provisions thereof, and the same shall be furnished accordingly by the proper Officers of such Municipality, and no such By-law shall be repealed, amended or altered, otherwise than by another By-law approved in like manner by the Governor in Council, and to which all the provisions of this Act shall apply, as to the original By-law.

Receiver General to issue Debentures, &c.

1. So soon as the By-law shall have been approved as aforesaid, it shall be lawful for the Receiver General to raise by loan, by Debentures issued by him upon the credit of the said Consolidated Municipal Loan Fund, a sum of money not exceeding that authorized by such By-law, and to pay over such sum to the Treasurer of the Municipality, or to deliver to him, or to his order, Debentures secured upon the said Fund to a like amount, or to pay part of such sum in money to the Treasurer, and to deliver to him Debentures for part; and in any case, he shall enter the amount for which Debentures are issued and delivered, to the Debit of the Municipality as so much due by it to the said Fund:

Where payable and form of.

2. The principal and interest of the Debentures so issued may be made payable at any place within or without this Province in currency or in sterling money or in the currency of the place where they shall be made payable; and such Debentures shall be in such form as the Governor in Council shall direct, subject to the following provisions:

3. They shall express upon their face that the Provincial Government undertakes to pay the principal sum mentioned in them and the interest thereon, out of the monies forming part of the said Consolidated Municipal Loan Fund, and out of no other monies or funds whatsoever: How worded.

4. The principal shall be made payable at the time provided by the By-law, and the Debentures shall contain no provisions inconsistent with the By-law by which the loan is authorized, and they shall contain all such provisions as may be necessary to carry out the intentions of such By-law: To conform with By-laws.

5. The rate of interest upon them shall in no case exceed six per centum per annum, and such interest shall be made payable half yearly on such days in each year as shall be therein appointed for the purpose; but if any Debenture be issued within the three months next before any such day, then the first interest thereon may be made payable on that one of the half yearly days which shall come next after the expiration of three months from the date of its issue: Rate of interest, and terms at which payable.

6. They shall be for even sums of money, and no Debenture shall be for a less sum than twenty-five pounds, or the equivalent thereof. To be for even sums.

7. They shall contain such conditions as the Governor shall from time to time, by order in Council, direct to be inserted therein, as to the right of the Receiver General to call such Debentures or any of them in for payment before the time therein absolutely appointed for the payment of the principal,—the manner in which they shall be so called in,—and in which it shall be determined which of such Debentures shall be so called in at any time, if they be not all called in at the same time; and no interest shall be payable upon any Debenture which shall have been called in according to such conditions as aforesaid, for any period after the day on which it shall have been required to be presented for payment, which day shall always be one of those on which interest is payable on such Debentures; and this forfeiture of interest in the case last mentioned shall be expressed on the face of the Debenture. To contain provisions as to calling them in.

8. It shall not be necessary that any Debenture should show upon what By-law or with reference to what Municipality it was issued, but each Debenture shall be distinguished by a number by which it shall be known and referred to. Debentures to be numbered.

9. The Governor in Council may direct that any such Debentures may on the application of the holders thereof be exchanged for another or others for the same amount of principal, payable absolutely at the same or any later date, and bearing the same or any less rate of interest. Exchanging Debentures.

Debentures to be as Government Debentures.

10. The said Debentures shall be held to be Debentures issued by the Government of this Province through the Receiver General thereof, within the meaning of the Act to establish freedom of Banking, or any Act amending the same, and of the Act to exempt the several chartered Banks from the tax on their circulation on certain conditions, and shall be available accordingly for all the purposes of the said Acts or either of them, and any monies which are by law directed to be invested by or under the directions of the Governor in Council, may be invested in such Debentures.

Advances to the said Fund from the Upper Canada Building Fund.

IV. And be it enacted, That it shall be lawful for the Governor in Council from time to time, and when it shall be necessary to enable the said Consolidated Municipal Loan Fund, to meet the charges upon it, to direct the Receiver General to advance to the said Fund, out of any unappropriated monies forming part of the Fund arising out of monies levied or to be levied under the authority of the Act passed in the session held in the 13th and 14th years of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, and known as the Upper Canada Building Fund, such sum as may be deemed expedient, and in like manner to direct the repayment of such sum from the said Consolidated Municipal Loan Fund to the said Upper Canada Building Fund.

Account to be kept by Receiver General with the Municipality.

V. And be it enacted, That the Receiver General and the Treasurer of the Municipality, shall respectively keep a correct account between the Municipality and the said Consolidated Municipal Loan Fund, debiting the Municipality with the principal of each Debenture issued for its purposes, and with the interest thereon as the same becomes due, and any other expenses or liabilities incurred by reason of such Debentures, and crediting it by the sums paid over to the Receiver General to meet such principal and interest, by the proportionate share of the Municipality in the proceeds of any monies forming part of the Sinking Fund hereafter mentioned and invested by the Receiver General, and by any other sums received by him on account of the Municipality; and it shall be the duty of the Receiver General, three months before each day in each year in which interest or principal will be payable on the Debentures issued for the purposes of any Municipality, to notify to the Treasurer thereof, by letter sent by Post, the sum which he will, under the provisions of this Act, be required to pay over to the Receiver General by reason of such Debentures, which sum it shall be the duty of such Treasurer to pay over accordingly; but the failure on the part of the Receiver General to give such notice shall not affect the obligation of the Treasurer or of the Municipality, to pay over such sum at the time when it ought to be so paid over.

1. The sum to be so paid at any time by the Treasurer for his Municipality shall be at the rate of eight per centum per annum on the amount of the Debentures issued for the Loan in respect of which the payment is made, for the period o which the payment shall relate, and such further sum as may be payable on the day in question for or on account of the principal of such Debentures, less such sum applicable to the payment of such principal as may then stand at the credit of the Municipality in account with the said Fund : and such payments shall continue to be made until all such Debentures shall be paid off in principal and interest, or until there be a sufficient sum at the credit of the Municipality to pay off the same.

Payments to be at the Rate of 8 per cent. per annum on the Loan, &c.

2. If the Treasurer shall have any of such Debentures in his hands as the property of his Municipality, then the proper Coupons for interest on such Debentures may be taken from him by the Receiver General as money.

Coupons to be taken as money.

3. The difference between the said rate of eight per cent and the actual interest payable on the Debentures, and all other monies which shall come into the hands of the Receiver General as part of the said Fund, and shall not be required to pay the interest of Debentures chargeable upon it, shall form a Sinking Fund, and shall be from time to time invested by the Receiver General under the direction of the Governor in Council, and the amount thereof shall, with the proceeds of such investment (which shall also form part of the said Sinking Fund) be applied under such direction as aforesaid, to the redemption of Debentures issued on the credit of the said Municipal Loan Fund ; and each Municipality shall be credited with a share of the said Sinking Fund equal to the amount of the sums it shall have paid into the same, and with a share of the proceeds of any part of the said Fund invested by the Receiver General proportionate to the sums it shall have paid into the same and the time during which such sums shall have remained in the said Sinking Fund, and such share shall be accordingly applied to the redemption of the Debentures issued for the purposes of such Municipality : and each Municipality shall be debited with all sums paid out of the said Sinking Fund on its account.

Sinking Fund constituted : of what it shall consist.

Share of each Municipality in Sinking Fund.

4. It shall be lawful for the Receiver General to pay the interest on any Debenture out of the said Sinking Fund, if in any case the other monies at his disposal for the purpose shall be insufficient, repaying the amount so paid with interest, to the said Sinking Fund, out of the monies which would otherwise be applicable to the payment of such interest so soon as the same shall come into his hands.

Certain payments may be made out of it

5. It shall be lawful for the Receiver General from time to time to sell, pledge or otherwise dispose of any securities in which

Securities forming part

which

of it may be sold.

which any part of the Sinking Fund may have been invested in case it shall be necessary so to do in order to enable him to pay any sum which is hereby made payable out of the said Sinking Fund.

Duty of the Treasurer and Officers of the Municipality after the passing of any such By-law in levying money to meet payments to be made in consequence thereof.

VI. And be it enacted, That whenever a By-law authorizing the raising of money by loan, under this Act; shall have been passed by the Council of any Municipality, and approved by the Governor in Council, the Treasurer of such Municipality shall *ipso facto*, and without requiring any other authority or direction whatever, have full power, and it shall be his duty, before the making out of the ordinary Collectors' Rolls in each year, if the By-law shall then be in force, and if not, then at least three months before the earliest day on which interest can be payable on any Debenture issued under such By-law, to ascertain the highest sum which can be required during the year, to pay the interest (and the principal if any be payable,) on or of Debentures issued or to be issued under such By-law, and to add five per centum thereunto for losses and expenses, and to certify the amount in a notice to the Clerk of the Municipality, or if such Municipality be a County, then to certify to the Clerk of each Township or Incorporated Town or Village therein, the portion payable by the same; and it shall be the duty of such Clerk to assess the amount so certified equally upon all the taxable property in his Municipality, and to set down on the ordinary Collectors' Roll for the year, if it shall not have been previously delivered to the Collectors, the amount with which each party or lot is chargeable, under the head of "Loan Rate for (*naming the purpose*)" or "County Loan Rate for (*naming the purpose*)," as the case may be; and if such amount shall be so certified to any such Clerk after the time in any year when the Collectors' Rolls shall have been delivered to the Collectors, then such Clerk shall forthwith make out a special Collectors' Roll for the purpose in the form prescribed for ordinary Collectors' Rolls, so far as such form may be applicable, and shall deliver the same to the Collector: Provided always, that if there be in the hands of the Treasurer at the time of his giving such notice as aforesaid to the Clerk of the Municipality, any monies applicable to the payment of the principal or interest of the Debentures to which such notice refers, then the Treasurer may deduct such sum from that to which the notice refers before adding the five per cent thereto; And provided also, that if the purpose for which the loan is raised be such as to produce profit or to yield returns in money to the Municipality, or if the money be loaned by it so as to produce interest, or if the capital be reimbursable to the Municipality, then it shall be lawful for the Treasurer and the Mayor, or Head of such Municipality to enter upon the Books of the Corporation, a Certificate signed by them in the form of the Schedule A. setting forth that there ought to be paid to the Municipality during the course of the year, such dividends

Proviso.

Proviso.

If the money borrowed be so invested as to produce returns.

dividends or profits (*describing them*) or such interest or sums of money (*mentioning the amount*) or both (*as the case may be*), and that the said Treasurer and Mayor have reason to believe and do believe that the sums which will, from the said sources, come into the hands of the Treasurer during the year, will amount to the sum of (*naming it*) and the Treasurer may then deduct the sum mentioned in such Certificate from that to which the notice refers, before adding the five per cent as aforesaid, or if the sum mentioned in the Certificate be as great or greater than that to which the notice would refer, then no notice shall at that time be given to the Clerk or Clerks of the Municipality or Municipalities concerned.

1. If the nett sum raised by any such rate as last aforesaid be greater than that required to enable the Treasurer to pay the Receiver General, the surplus shall remain in the hands of the Treasurer and be applicable to payments to be made to the Receiver General for the next ensuing year, on account of the same loan; and if the nett sum raised be insufficient to enable the Treasurer to pay the required sum to the Receiver General, then a new assessment shall be made as hereinafter provided in cases of deficiency.

If any surplus be raised.

If there be a deficiency.

2. All sums of money coming to the Municipality as the said profits, dividends or returns from any work for which the loan shall have been authorized, or as interest or principal of any sum lent by the Municipality out of such loan, or otherwise howsoever by reason of such loan, shall be paid into the hands of the Treasurer and by him carefully kept apart from all other monies, and paid over from time to time to the Receiver General, to be by him placed to the credit of the Municipality with the said Consolidated Municipal Loan Fund, except in so far as it shall be otherwise especially provided in the By-law authorizing such loan.

All profits from works, &c., to go to the said Fund.

3. If it shall happen that the sum which ought under this Act to be paid over at any time by the Treasurer of any Municipality to the Receiver General, or any part of such sum, shall not be so paid over, and the Treasurer shall not have money in his hands applicable to the same, or if it shall happen that the Treasurer shall foresee that he will not have the means of paying over such sum or part thereof to the Receiver General, at the time when it ought to be so paid over, then in either case it shall be the duty of such Treasurer forthwith to add five per centum to the sum wanting for such purpose, and to certify the same to the Clerk of his Municipality, or if such Municipality be a County, then to certify to the Clerk of each Township or Incorporated Town or Village therein, the amount payable by the same, and it shall be the duty of each Clerk receiving such notice forthwith to make out a Special Collectors'

Proceeding for levying money in case the Treasurer shall not have funds to make his payments to the Receiver General.

Collectors' Roll for the amount so certified to him, and to deliver the same to the Collectors.

Interest to be charged to Municipality in default.

4. If any sum payable as aforesaid at any time by any Treasurer to the Receiver General, be not so paid at such time, interest shall by the Receiver General be charged on such sum for the time it shall remain unpaid, against the Municipality in account with the said Consolidated Municipal Loan Fund, and deducted from the share of such Municipality in the Sinking Fund.

Monies to be collected in the usual manner.

5. The sums entered in any Collectors' Roll by any Clerk of a Municipality shall be collected and levied, and payment thereof secured and enforced in like manner and under the same provisions as other Municipal taxes, but the nett proceeds thereof shall be applied by the Treasurer solely to the purpose for which they are directed to be raised.

Warrant to the Sheriff to levy upon Municipality in default more than three months.

VII. And be it enacted, That if any sum of money which ought under this Act to be paid by the Treasurer of any Municipality to the Receiver General, shall remain unpaid during three months or upwards after it ought to have been so paid, then upon the certificate of the Receiver General that such sum is so due and unpaid, and since what day it has been so, it shall be lawful for the Governor to issue his Warrant to the Sheriff of the County reciting the facts, and commanding him forthwith to levy such sum by rate, with interest from the said day and all costs, and to pay over the said sum and costs to the Receiver General, and the said Sheriff shall obey the said Warrant and levy the sums therein mentioned in like manner and within the same delay as he would levy the same if it had been recovered against the Municipality under a judgment of the proper Court of law, and a Writ of Execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the nett proceeds to the Receiver General; and the costs allowed to the said Sheriff for executing the said Warrant shall be the same as those to which he would be entitled for executing a Writ of Execution for a like sum.

Further debt not to be contracted without sanction of Governor in Council.

VIII. And be it enacted, That after any Municipality shall have borrowed any money under this Act, it shall not be lawful for such Municipality to contract any further debt without the consent and approval of the Governor in Council, until all debts contracted by it under this Act shall be wholly paid off.

Operation of Act.

IX. And be it enacted, That this Act and all the provisions thereof shall extend and apply to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act shall come into force, for the purpose of aiding in the construction of any Rail-way for the making of which any
Company

Company is now incorporated, or shall be under any Act passed or to be passed during the present Session whether such assistance be given by taking Stock in such Company or by loaning money to it, and also to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act comes into force, authorizing the raising of any Loan for the purpose of erecting, repairing or improving any County building or buildings: Provided always, that such Loan shall not have been negotiated by the Municipality under such By-law.

X. And be it enacted, That the word "Treasurer," in Interpretation. this Act, shall include the Chamberlain of any City; the word "Mayor" shall include the Warden of any County, and the official title of any Officer shall include any person by whom his duties may be legally performed; and that this Act shall apply only to Municipalities in Upper Canada.

SCHEDULE A.

CERTIFICATE OF TREASURER AND MAYOR, OR HEAD OF A MUNICIPALITY.

Municipality of the *Township* of

We certify to all whom it may concern, That out of the Loan, raised under the By-Law, No. , intituled, "*(Title of By-Law,)*" on the credit of the CONSOLIDATED MUNICIPAL LOAN FUND, there has been invested the sum of in shares of the stock of the *Bytown and Prescott Railroad Company (or as the case may be)*; that this Municipality now holds the said shares; that there ought to be paid dividends thereon during the present year, and that we have reason to believe and do believe that there will be paid into the hands of the Treasurer, as and for such dividends, before the thirty-first day of December now next, the sum of which sum, we think, ought therefore, under the provisions of the Act passed, &c., (*title and date of this Act,*) to be deducted from the sum which ought otherwise now to be raised on the taxable property in this Municipality in order to enable the Treasurer to meet the payments which he is to make to the Receiver General during the present year, on account of the said Loan. Witness our hands this day of 18 .

Signatures,

A. B., Treasurer.
C. D., Mayor.

CAP. XXIII.

An Act to make certain provisions with regard to Common Schools in Upper Canada for a limited period.

[10th November, 1852.]

Preamble.

WHEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each City, Town and Incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and Incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section.

13 and 14 Vic.
c. 43, cited.Powers of
School
Trustees
extended.How Trustees
shall provide
for School
expenses.
Proviso: as to
number of
children.Proviso: for
Register and
Visitors' book,
and Education
Periodical.Proviso:
Union of
School to
Grammar
School.Proviso:
Trustees
responsible
for moneys
forfeited.Application
of moneys
forfeited.Penalty on
Trustees
not forward-
ing their
report.

II. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or of the number of children of legal school age, residing in such section: Provided, that the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law: Provided, secondly, that the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situated within or adjacent to the limits of their School Section: Provided, thirdly, that the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight, for the collection and application of the fines imposed by the said section: Provided fourthly, that the Trustees of each School Section, shall, each personally forfeit the sum of one pound five shillings for each and every week that they shall neglect, after the fifteenth of January in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first
December

December immediately preceding; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the proviso of this section, immediately preceding: Provided, fifthly, that no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January, unless such agreement shall have been signed by the two Trustees of such School Section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.

How applied.

Agreements between Trustees and Teachers not valid in certain cases.

III. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect rates for the purpose of purchasing School Sites and the erection of School Houses, with which they are, or may be invested by law to assess and collect for other School purposes: Provided always, that they shall take no steps for procuring a School Site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householders of their Section to consider the matter; and if a majority of such Freeholders and Householders present at such Meeting, differ from a majority of the Trustees, as to the site of a School House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

Trustees to assess for School Sites.

Proviso: Meeting to be called.

IV. And be it enacted, That in the event of any person residing in one School Section, sending a child or children to the School of a neighbouring School Section, such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside.

Persons sending children to other Schools liable for rate in their School Section.

V. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools shall continue in office, (unless he resigns, or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment, and during the pleasure of the Council appointing him: Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office: Provided, secondly, that no Local Superintendent shall be required (unless he shall judge it expedient, and except with a view to the adjustment of disputes, or unless specially required by the County Municipality,) to make more than two official visits to each School Section under his charge; one of which visits shall be made some time between the first of April and the first of October, and the other some time between the first of October and the first of April: Provided, thirdly, that the Local Superintendents of adjoining townships shall have authority to determine the sum or sums which shall be payable from the School apportionment and assessment

Local Superintendent to continue in office.

Shall not be a Teacher.

Powers and obligations of Local Superintendents.

assessment

assessment of each Township in support of Schools of Union School Sections, consisting of portions of such Townships ; and they shall also determine the manner in which such sum or sums shall be paid : Provided, fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships ; and in the event of the Local Superintendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred to the Warden of the County for final decision : Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so ; Provided, sixthly, that each Local Superintendent of Schools shall have authority within twenty days after any meeting for the election of Common School Trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such Election, and to confirm it, or set it aside, and appoint the time and place of a new Election, as he shall judge right and proper ; Provided, seventhly, that each Local Superintendent shall have authority on due examination, (according to the programme authorized by law for the examination of Teachers,) to give any candidate a certificate of qualification to teach a School within the limits of the charge of such Superintendent, until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member ; but no such certificate of qualification shall be given a second time, or shall be valid if given a second time, to the same person in the same County ; Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within which such Superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

How Elections for School Trustees shall take place.

Proviso.

Proviso.

VI. And be it enacted, That in any Village in Upper Canada, which shall become incorporated according to Law, an Election of a Board of School Trustees for such Village shall take place as soon as convenient in the manner provided and authorized for incorporated Villages in the twenty-fifth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight ; Provided always, that the time of the first Election of such Board of School Trustees, shall be fixed by the Reeve of such Village, or in case of his neglecting to do so for one month, by any two Freeholders in such Village, on giving six days' notice in at least three public places in such Village ; Provided also, that all Elections of School Trustees that have taken place in Villages which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages are hereby made as valid as if such Boards had been elected for Villages incorporated before one thousand eight hundred and fifty, and in all cases the Chairman shall be elected by the

Trustees

Trustees from their own body, and shall have a right to vote at all times, and also, a second or casting vote in cases of an equality of votes.

VII. And be it enacted, That in case of the right of any person to vote at an Election of a Trustee or Trustees in any City, Town, or incorporated Village, be objected to, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration: "I do declare and affirm that I have been rated on the assessment-roll of this City (Town or Village, as the case may be) as a Freeholder (or householder, as the case may be,) within the last twelve months, and that I am legally qualified to vote at this Election." And the person making such declaration shall be permitted to vote; Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

Voters objected to shall make a declaration.

Declaration.

False declaration to be a misdemeanor.

VIII. And be it enacted, That such of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, as are contrary to the provisions of this Act, shall be and are hereby repealed.

Provisions 13 and 14 V. c. 43, contrary to this Act, repealed.

IX. And be it enacted, That the provisions of this Act shall take effect from the passing thereof.

Commencement of Act.

X. And be it enacted, That this Act shall be and continue in force until the first day of April next, and not after.

Duration of Act.

C A P . X X I V .

An Act to provide for the improvement and enlargement of the Harbour of Montreal and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes,

[10th November, 1852.]

WHEREAS it is expedient to consolidate and amend the Acts in force relating to the improvement of the Harbour of Montreal and of Lake St. Peter, and to authorize the borrowing of a further sum of money in order to carry on the improvements of the said Harbour and Lake and for other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for*

*See 36 Vic
Cap 61 DP
1873 transferring
Canton provisions
of transferred
to Harbour
Commission*

Preamble.

the

Certain Acts
repealed.
8 Vic. c. 76.

the Government of Canada, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act of the Legislature of Canada, passed in the Eighth year of Her Majesty's reign, intituled, An Act to provide for the improvement and enlargement of the Harbour of Montreal, to authorize the Commissioners to borrow a further sum of money for that purpose, to consolidate the Laws now in force relating to the same and for other purposes therein mentioned, and the Act of the said Legislature, passed in the Session held in the tenth and eleventh years of Her Majesty's reign, intituled, An Act to amend a certain Act passed to provide for the improvement and enlargement of the Harbour of Montreal, and for other purposes, and the Act of the said Legislature, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, An Act to amend the Acts for the improvement of the Harbour of Montreal, and provide for the improvement of the Navigation of the River Saint Lawrence within the Port of Montreal, be and the same are and each of them is hereby repealed; Provided always, that no Act or Ordinance, or part of any Act or Ordinance repealed by any of the above named Acts shall be revived by virtue of this Act.

10 and 11 Vic.
c. 56.

13 and 14 Vic.
c. 97.

Proviso.

All contracts
made and De-
bentures is-
sued by Com-
missioners,
&c., valid.

Proviso.
Present offi-
cers con-
tinued.

Commis-
sioners con-
stituted a Cor-
poration.
Corporate
names and
powers.

II. And be it enacted, That notwithstanding the repeal of the above recited Acts, all contracts and undertakings made or entered into by the said Commissioners with any person whatsoever, all Debentures issued for which the Province is liable for the due payment of the interests thereon, and those issued for the deepening of Lake St. Peter for which the Province is not so liable, and all things done and all rights acquired, in virtue of the said Acts, shall be valid, and all penalties incurred shall be recoverable, and all proceedings or matters commenced may be continued as if the Acts so repealed were still in force: Provided always, that the present Commissioners and Officers appointed under and by virtue of any of the above mentioned Acts or of any of the Acts or Ordinances repealed thereby, shall continue and be such Commissioners and Officers until their removal and the appointment of others in their stead as hereinafter provided.

III. And be it enacted, That the said Commissioners and their successors to be appointed as hereinafter provided, shall be a Body Corporate and Politic for the purposes of this Act, under the name of the *Harbour Commissioners of Montreal*, and shall be entitled to such emoluments as the Governor in Council may approve, and shall have power to hold, take and purchase immoveable property for the purposes of this Act, and to build, acquire, hold and possess such Steamboats, Dredgers, Scows and other Vessels as they may deem necessary for the due and efficient discharge of the purposes of this Act, and to procure Registers for the same in their Corporate name and capacity, and to dispose of the said Steamboats and other Vessels as often as they may see fit so to do.

IV. And be it enacted, That the said Harbour of Montreal, which shall be and is hereby declared to be under the control and management of the said Corporation, shall be, for the purposes of this Act, bounded as follows, that is to say : commencing at the mouth of the Little River St. Pierre ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark and the ground above high water mark reserved for a public road or path, down to the lower extremity of the lower basin of the Lachine Canal ; thence, downwards, following the north-west side of the water course running parallel with and adjoining the revêtement wall in the street or highway running along the whole line of the wharves now known as Commissioners Street, to a point where the said wall joins the Government Works at the Commissariat Store and the Government Wharf ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark, and any ground above high water mark reserved for a public road or path, as far as Ruisseau Migeon.

Limits of
Harbour of
Montreal.

V. And whereas certain powers are now exercised by the Trinity House of Montreal in the said Harbour, which it is desirable for the better regulation and administration of the affairs of the said Harbour, to commit to the said Corporation hereby erected : Be it therefore enacted, That from and after the passing of this Act, so much of the Act of the Legislature of Canada passed in the Session held in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, as may be inconsistent with the provisions of this Act, or as may give to the Trinity House of Montreal either directly or indirectly the exercise of any authority whatever, or the power to make any By-laws, Rules or Regulations whatever in or relating to the said Harbour, shall be and the same is hereby repealed : Provided always, that all By-laws, Orders, Rules and Regulations made by the said Trinity House, before the passing of this Act, for the regulation and management of the affairs of the said Harbour, in so far as they contain nothing inconsistent with this Act, shall remain in force until repealed or amended, or until others shall be enacted in lieu thereof by the said Corporation hereby erected.

Powers of
Trinity House
in the Harbour
vested in
Corporation.

12 Vic. c. 117.

Proviso.
By-Laws, &c.
of Trinity
House not
contrary to
this Act to
remain in
force.

VI. And be it enacted, That the said Corporation shall have power and authority to make By-laws, not repugnant to the Laws of this Province, or to the provisions of this Act, for the following purposes, to wit : the direction, conduct and government of the said Corporation and of its property, real and personal, the good government, improvement and regulation of the said Harbour, preventing injury thereto, and encroachment and incumbrances thereon and the removal of the same :

Corporation
empowered to
make By-
laws, &c.

the anchoring, mooring, riding and fastening of all Vessels resorting to the said Harbour, and the ordering of the same while lying in the stream, or at any wharf or other landing place in the said Harbour; the regulation and control of the use of lights and fires on board of such Vessels when lying at any wharf or other landing place, or in the stream in the said Harbour; the regulation and control of the landing and shipping of Gunpowder within the same; regulating the manner of boiling and melting pitch, tar, turpentine or resin, or any other inflammable substance in the said Harbour, or the beaches thereof; the maintaining order and regularity and preventing theft and other depredations therein; the collecting of the dues, fines and penalties imposed by this Act; and finally, the revoking, altering and amending of the said By-laws, as often as may be deemed fitting and expedient by the said Corporation: Provided always that no such By-law shall have any force or effect until sanctioned by the Governor and published in the *Canada Gazette* published by Authority; and all such By-laws, so made and sanctioned as aforesaid shall be printed and hung up in some conspicuous place in the Custom House of the Port of Montreal, and also in some conspicuous place in the Offices of the said Corporation, and copies thereof certified by the Secretary of the said Corporation, under the Seal thereof, shall be admitted as full and authentic proof of the same in all Courts of Law or Equity in this Province.

Proviso.

Valuation for
ad valorem
dues.

12 Vic. c. 1.

VII. And inasmuch as the dues hereby imposed are chiefly *ad valorem* dues, and it is expedient to provide for the protection of the Revenue to be derived therefrom; Be it enacted, That the valuation for and towards the payment of such dues shall be made according to the provisions contained in the Act of the Legislature of Canada passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Law relative to duties of Customs*, in the manner therein provided in and by the Appraisers appointed under and in virtue of the said provisions, and the said provisions shall for the purposes of this Act be held and considered to form part of this Act as if the same were embodied herein, and the said dues shall for the purposes of the said valuation be held and considered as duties of Customs.

Duties of Ap-
praisers.

Proviso.

VIII. And be it enacted, That it shall be lawful for the Governor to direct the said Appraisers to attend at such place or places in the said Harbour for the purpose of such valuation as the said Corporation shall require, and there to act as such Appraisers during any time needful which such Appraisers shall accordingly do without taking any new Oath of Office, and each such Appraiser shall be deemed an Officer of the Customs: Provided always that on Goods the value of which cannot be satisfactorily ascertained, and on Goods not subject to specified dues under the Tariff in the Schedule hereunto annexed, it shall be lawful for the said Commissioners to levy such rates

as may correspond in their judgment with those on analogous Articles, Packages, or Quantities detailed in the said Tariff.

IX. And be it enacted, That the said Corporation may by any By-law made under this Act, impose penalties not exceeding twenty pounds currency, on any person contravening such By-law or any By-law which the said Corporation may lawfully make under this Act.

Corporation may impose certain penalties.

X. And be it enacted, That a Harbour Master for the said Harbour shall be appointed by the said Corporation, and it shall be the duty of the said Harbour Master to superintend and enforce the execution of this Act and all By-laws that may emanate from the said Corporation in virtue of this Act, for the regulation and good government of the said Harbour.

Harbour Master's appointment and duties of.

XI. And be it enacted, That a Deputy or Assistant Harbour Master may also be appointed by the said Corporation whose duties shall be defined by such By-laws as the said Corporation may see fit to enact.

Deputy Harbour Master to be appointed.

XII. And be it enacted, That there shall be levied on all Vessels whatsoever, and on all goods landed from or taken on board the same, lying any where within the limits of the said Harbour in the stream or otherwise, the several dues mentioned in the Schedule A and appended to this Act, and the said dues shall be levied by and paid to the said Corporation, provided however that no goods transhipped outwards (that is to say, into a Vessel bound down the river to some place out of the Port of Montreal,) from one Vessel to another within the limits of the said Harbour without being landed, shall be subject to pay any other than the outward dues ; and that goods transhipped from one vessel to another inwards (that is to say, into a vessel bound to some place within the said Harbour or up the river to some place out of the said Harbour,) without being landed, shall only be subject to pay the landing dues ; but if any such goods be landed upon the wharves or piers, or any of them, whether for immediate reshipment or otherwise, then such goods shall pay the landing dues and also the shipping dues, if re-shipped.

Dues to be levied on goods.

Proviso.

XIII. And be it enacted, That the said dues of any kind whatsoever shall be payable by and may be levied from the consignee or shipper of any goods imported or exported by sea, and from the owner, master, purser, conductor or person in charge of any vessel, (sea-going vessels excepted), upon which or in respect of goods shipped on board or landed from which such dues are payable as may be mentioned in the said Schedule A, saving to such person paying the same the recourse which he may by law have against any other person for the recovery of the sums so paid : (Provided always, that none but the master or person in charge of any sea-going vessel shall be liable

Dues how payable, and to whom.

Proviso : on Master of a

for

vessel to be liable for tonnage dues.

for the tonnage dues on the said vessel;) and all the said dues shall be payable to the Collector of Customs at the Port of Montreal, or such other person as the said Corporation may appoint, for and on behalf of the said Corporation on demand, and the said Corporation may sue for and recover any and all such dues, from such owner, master, purser, conductor, consignee, or shipper before any Court of competent jurisdiction, or before any Magistrate residing in the City of Montreal, if the sum demanded do not exceed Eleven pounds currency, and if the sum demanded do exceed Eleven pounds currency, then before any Court of competent jurisdiction; and the said Corporation shall also have power and authority, upon non-payment of the said dues, or any part thereof, even before judgment therefor, to seize any vessel or any goods upon which the said dues may be owing, and detain it or them at the risk, cost and charge of the owner, until the sum due and the costs and charges incurred in and about such seizure and detention be paid in full; and such seizure may be had and obtained upon the order of any Judge or Magistrate for the District of Montreal, or upon the order of the Collector of Customs at the Port of Montreal, which order such Judge, Magistrate and Collector are and each of them is hereby authorized and required to give upon the application of the said Corporation, on the affidavit of any one credible person that any sum is due for such dues as aforesaid; and the said order may and shall be executed by any Constable, Bailiff or other person whom the said Corporation may choose to entrust with the execution thereof, and which said Constable, Bailiff or other person is hereby authorized and empowered to take all necessary means, and to take and require all necessary aid to enable him to execute the said order.

Corporation empowered to seize for non-payment of dues.

Masters, &c. of all steamboats to make reports.

XIV. And be it enacted, That the master or purser, conductor or person in charge, or agent of each and every Steamboat and Steamboat Barge, plying between Montreal and any other Port in the River St. Lawrence, (Steam Ferry Boats excepted, which shall not be required to report oftener than once each day) shall immediately on the arrival of the same in the said Harbour, make and deliver to the Corporation or to the person authorized by it to receive the same, a report in writing which shall be signed and declared to by him shewing the number of days such Steamboat or Steamboat Barge shall have remained in the said Harbour on its then last preceding voyage, and also a correct and true list of the goods landed from or taken on board as freight during such time; and he shall also exhibit the Bills of Lading, or other Vouchers, of the said cargoes, when required so to do, and shall immediately and without delay pay all dues chargeable thereon; and in default of making and delivering such report or of exhibiting and giving communication of such Bills of Lading or other Vouchers, or of paying such dues, the said Corporation shall have power and authority forthwith to seize and detain the said

On his neglect to make report, Corporation may seize.

said Steamboats, Steamboat Barges and Ferry Boats in manner and form as prescribed by the next preceding section of this Act, and to detain the same at the cost, risk and charges of the owners thereof, until payment as aforesaid: Provided always, that nothing herein contained shall prevent the said Corporation or their authorized agent, from requiring the said master, purser, conductor or person in charge of such Steamboat or Steamboat Barge to make oath to the accuracy of such report in writing if they or their authorized agent see fit to require the same; and if such report shall be found not to contain the whole of the goods taken on board at the said Harbour, or landed thereat from such Steamboat or Steamboat Barge, and such omission shall be proved on the oath of a credible witness, sworn before such Magistrate or the said Collector, then and in such case such master, purser, agent or person in charge as aforesaid, shall be subject to a penalty not exceeding twenty pounds currency, for each false return so given in, to be recovered in like manner as the dues already provided for in this Act; Provided also, that nothing herein contained shall prevent the said Corporation from appointing a person to take an account of the cargoes landed and shipped by any such Steamboat or Steamboat Barge, or other Vessel whatsoever, should such be deemed necessary or expedient. Proviso.

XV. And be it enacted, That if any injury shall be done to the wharves, quays or piers in the said Harbour, or to any of the works now erected, or which may be erected under the management of the said Corporation, by any vessel wilfully or by the carelessness of the crew, but not otherwise, it shall and may be lawful for the said Corporation to seize and detain, in the manner prescribed by the thirteenth section of this Act, such vessel, until the injury so done shall have been repaired by the crew or persons belonging to the same, or until security shall have been given by the owner, manager, conductor, person in charge, agent or consignee of the same, to the satisfaction of the said Corporation, to pay such amount as shall be awarded, with costs, by the judgment which may be rendered as hereinafter mentioned, in any suit to be brought by the said Corporation by reason of such injury; and for any injury done to the said wharves, quays, piers, or other works as aforesaid, or for any other injury whatsoever, by any person whomsoever, the said Corporation may sue for, and recover with costs, in any Court of competent jurisdiction, such damages as may be proved to have been occasioned; and such suit may be brought against the master or owner, or the conductor, or person in charge of the said vessel: Provided always, that when the amount of the damage sued for by the said Corporation shall not exceed ten pounds currency, the same may be sued for and recovered, upon the oath of one credible witness, and any one of the Members of the Corporation, or of the Officers and servants thereof, shall be competent as such witness, either before any such Proviso.

Corporation may seize for damage done by the crew of any vessel to the harbour works.

such Magistrate, or before any Court of competent jurisdiction, as the Corporation may see fit.

Name of all vessels to be conspicuously painted.

XVI. And be it enacted, That it shall be lawful for the said Corporation, or for any person by the same duly authorized, to require and exact of the captain, master, purser or other person in charge of every boat, barge or other craft, upon or after its arrival in the said Harbour, that there shall be painted on the stern or side, or on some conspicuous part thereof, its number or name, a register of which number or name the Corporation may keep; and if he shall refuse to allow such number or name to be so painted as aforesaid, or if he shall remove or deface or permit such name or number to be removed or defaced, such master, owner, captain or other person in charge for the time being, shall be subject to a fine of two pounds and ten shillings currency for every such offence, which shall be recovered, after service of the process on any person on board such boat, barge or craft and shall be levied by distress and sale, either of the goods and chattels of the said owner, or by the sale of such boat, barge or craft which shall and may be detained until such fine, together with all costs attendant upon such detention, be paid in full; Provided always, that the expense of painting the said name or number shall be paid and borne by the said Corporation.

Penalty in case of removal or defacement of name.

Proviso.

Owner, &c., of Ferry-boat &c., may commute for dues.

XVII. And be it enacted, That it shall be lawful for the said Corporation to commute with the Owner, Agent or Master of any Steam boat or Steam or other Ferry-boat plying between the said Harbour and any other port or place on the River St. Lawrence, for all dues accruing thereon under this Act, in such manner and upon such terms, and with such security for the payment thereof as the Corporation shall see fit, and to accept such gross sum of money as may be considered by the Corporation a fair equivalent for the said dues; and upon such commutation being effected then and in that case the Report of Cargo otherwise required by this Act shall be dispensed with, and the said commutation money so agreed upon by the said Corporation shall be in lieu of such dues, and shall be recovered in the manner already provided in this Act for the recovery of such dues.

How moneys levied by Corporation applied.

XVIII. And be it enacted, That the monies arising from the said dues and from all fines and penalties collected and levied under and by virtue of this Act, shall be applied by the said Corporation as follows, to wit:

1. To the payment of the reasonable expences of collecting the same, and of all other expences indispensably incurred by the said Corporation, in the performance of its duties hereby assigned.

2. In defraying any expences by the Corporation, incurred in deepening and cleaning the said Harbour, and in keeping the works constructed or to be constructed in and for the improvement of the said Harbour, in efficient repair, which said expences may be incurred, without any special application to or approval by the Governor; any thing in any law to the contrary notwithstanding.

3. In paying off the interest of all sums of money borrowed or hereafter to be borrowed, at the periods when such interest is or may be made payable.

4. In repaying to the Receiver General any sums of money which may have been advanced by that officer out of the public funds of the Province, to the said Corporation, or to the said Commissioners of the said Harbour.

5. In paying off the principal of any sums of money to be borrowed by the said Corporation, and which shall not have been made redeemable at any certain time.

XIX. And be it enacted, That the said Corporation, may, from time to time, appoint such and so many Officers or Servants, as may be deemed necessary to carry out the provisions of this Act, and may allow to them such compensation or salaries as to the said Corporation shall seem meet; and may require them to furnish good and sufficient security to the satisfaction of the said Corporation, for the due and faithful performance of the duties which they may be respectively called on or required to perform, and also for the proper and regular accounting for all and every the moneys to be received by them respectively. Appointments of Officers and Servants.

XX. And be it enacted, That all fines and penalties imposed by this Act, other than those for which special provision is made, may be recovered by civil action or proceeding at the suit of the said Corporation only, before any one Magistrate for the District of Montreal, in a summary manner and on the oath of one credible witness, and shall be paid to the said Corporation. How fines to be recovered.

XXI. And be it enacted, That for the purposes of this Act, the Lower Basin of the Lachine Canal shall be construed and taken to be a part of the said Harbour of Montreal, and that the said Corporation shall have power and authority to levy from all vessels entering the same for the purpose of discharging and loading there, but making no other use of the said Lachine Canal, the same dues as may be levied in the said Harbour of Montreal; provided that in all other respects the said Lower Basin shall be and remain under the jurisdiction of the Commissioner of Public Works as at present provided for. Lower Basin of Lachine Canal included in Harbour. Proviso.

Corporation empowered to contract a loan of £10,000 at 8 per cent.

XXII. And be it enacted, That it shall be lawful for the said Corporation to borrow any sum not exceeding Ten Thousand Pounds, in sterling or in currency, in this Province, or elsewhere, for any term of years, and at any rate of interest not exceeding eight per cent per annum, for the purpose of constructing a wharf at or near the foot of Monarque street, in the City of Montreal, and for the purpose of making such further improvements in the said Harbour as the requirements of trade and public convenience may from time to time show, in the judgment of the said Corporation, to be necessary, and for defraying the cost of a Steam Dredging Vessel and Scows for the purpose of cleaning out and deepening the said Harbour.

Interest on loan, how payable.

XXIII. And be it enacted, That the interest on any sums of money borrowed under the next preceding section shall be payable out of the revenues of the said Harbour as provided for in the eighteenth section of this Act.

Annual statement.

XXIV. And be it enacted, That the said Corporation shall annually submit to the Governor a detailed and particular account of the monies received and expended by them under and by virtue of this Act, together with a statement of their proceedings in the execution of their duties.

Corporation empowered to borrow £40,000 at 8 per cent.

XXV. And whereas by the Provincial Act thirdly above cited, the Harbour Commissioners therein mentioned were authorized to borrow a sum not exceeding Thirty Thousand Pounds at any rate of interest not exceeding eight per cent. per annum, for the purpose of deepening and otherwise improving Lake St. Peter, so as to afford a safe and convenient channel through the same with a depth of water of not less than sixteen feet throughout and at all times, and the said channel to be made in such manner, direction and place as the said Commissioners should deem best, and also for the purpose of deepening and improving the channel of the St. Lawrence, at and near *Isle Platte*, in such manner as the said Commissioners might think best and in like manner to have a depth of water therein at all times of at least sixteen feet; and whereas the said Commissioners have borrowed and expended the said sum of money, and the said improvements are not yet complete; and whereas it is desirable that the said improvements should be made and completed as soon as possible, and also that provision should be made for deepening the channel of the river St. Lawrence to sixteen feet wherever it may require to be so deepened between the said Lake St. Peter and the upper boundary of the said Harbour of Montreal: Be it therefore enacted, that it shall be lawful for the said Corporation, to borrow in this Province or elsewhere, and in Sterling or in Currency, a further sum not exceeding Forty Thousand Pounds, at such rate of interest not exceeding eight per cent. per annum (but upon the most advantageous terms in their power,) and for

for such length of time as may be agreed upon, or as may be deemed expedient by the said Corporation, for the purpose of carrying out and completing the aforesaid improvements in Lake St. Peter, and in the Channel of the river St. Lawrence, wherever the same may be required between the said Lake St. Peter and the said upper boundary of the said Harbour—and it shall also be lawful for the said Corporation, from time to time (if necessary) to borrow further sums under like provisions for the purpose of paying off any such debentures as may become due and payable and which the said Corporation shall not otherwise be able to pay, but for no other purpose whatever: Provided that the sums so borrowed and owing by the said Corporation under this section at any one time, (except during such short interval as may necessarily intervene between the raising of money to pay off any Debentures and their actually being paid off,) shall never exceed the sum of Forty Thousand Pounds in addition to the sum of Thirty Thousand Pounds already borrowed under and by virtue of the said Act thirdly above cited, less the sum by which it ought then to be diminished by the operation of the Sinking Fund hereinafter mentioned.

Proviso—liabilities of Corporation under this section not to exceed £40,000.

XXVI. And be it enacted, That the guarantee of the Province shall not be given for the payment of either the principal or the interest of any sum to be borrowed under the next preceding section, but the same shall be payable,—firstly, out of any surplus which may remain of the proceeds of the tonnage duty hereinafter mentioned after defraying all expenses to be incurred in managing and keeping in repair the works also hereinafter mentioned; and secondly, out of any surplus which may remain of the moneys arising from dues and other moneys coming into the hands of the Corporation, after paying off and providing for all other charges upon and payments directed to be made out of the same.

How sums borrowed to be payable.

XXVII. And be it enacted, That the money to be borrowed by the said Corporation, under the authority of the Section next but one preceding, shall be by them applied to defray the expense of deepening and otherwise improving Lake Saint Peter, so as to afford a safe and convenient channel through the same, with a depth of water not less than sixteen feet throughout the same, and at all times; the said channel to be made in such manner, direction and place as the said Corporation shall deem best; and also in deepening and improving the channel of the River St. Lawrence at and near *Isle Platte*, in such manner as the Corporation may think best, but so as to have a depth of water not less than the depth in the said channel through Lake Saint Peter; and also in deepening and improving the channel of the River Saint Lawrence, wherever it may require it, between Lake Saint Peter and the upper boundary of the Harbour of Montreal, so as to give throughout the same and at all times a depth of water of not less than sixteen

How money borrowed under section 26 to be applied.

sixteen feet; And to aid the Corporation in performing the said work, it shall be lawful for the Commissioner of Public Works to place at the disposal of the said Corporation all steamers, dredging vessels, machinery, tools and implements constructed or acquired for the purpose of carrying on the work connected with the improvement of Lake Saint Peter, which shall be in the possession of the said Commissioner of Public Works, and the said Corporation shall, for the purpose of carrying on the said works, have the same powers and facilities as the Commissioner of Public Works would have if the same were carried on under his management and control.

Corporation to mark out channel by buoys and beacons.

XXVIII. And be it enacted, That it shall be the duty of the said Corporation to mark out the Channel of the said River Saint Lawrence from the said Harbour through the deepened Channel of the said Lake Saint Peter down to the mouth of the River Richelieu, by such and so many buoys and other beacons or land marks as may be deemed necessary, and to provide the said buoys and beacons or land marks out of any moneys which it may have in hand not otherwise specially appropriated.

Tonnage duty imposed, and how collected.

XXIX. And be it enacted, That it shall be lawful for the Governor on the application of the said Corporation, at any time after the passing of this Act, to impose a tonnage duty not exceeding one shilling per ton of the registered tonnage of all vessels drawing ten feet of water or upwards, and passing through Lake St. Peter, such duty to be payable for each time of passing the Lake; and the said duty shall be payable to the said Corporation, and may be collected, recovered, and payment thereof enforced in the manner provided by this Act, with regard to the Harbour dues payable to the said Corporation, and no vessel upon which such duty shall be payable shall be entered or cleared at the Port of Montreal, or cleared at the Port of Quebec if she has left Montreal without being cleared, until the Collector or other Officer granting such Clearance shall be satisfied that such duty has been paid.

How tonnage duty shall be applied.

XXX. And be it enacted, That the proceeds of the said tonnage duty shall be applied by the said Corporation:

First. To the payment of all reasonable expenses incurred in collecting the same.

Secondly. To the payment of the expenses of managing and keeping in efficient repair the said improvements and works on Lake St. Peter, and the said channel of the River St. Lawrence and at *Isle Platte*, made and to be made, performed and managed by the said Corporation.

Thirdly. To the payment of the interest of the sums borrowed under and by virtue of this Act and the Provincial Act thirdly above cited and of the principal thereof, at the periods when the same shall respectively become due.

Fourthly.

Fourthly. To the payment of not less than two per centum per annum on the sum to be borrowed as last aforesaid, for the purpose of forming a Sinking Fund towards paying off the principal of the sum so borrowed, the amount to be so paid, the officer to whom it shall be paid, and the mode of paying, managing and investing the same, to be from time to time determined by the Governor: Provided always, that if the proceeds of the said tonnage duty, added to the surplus remaining out of the proceeds of the dues and other moneys coming into the hands of the Corporation, after paying all prior charges thereon, shall not at any time be sufficient to meet the charges imposed by this Section, then it shall be lawful for the Governor to add such per centage to the said tonnage duty (above the rate of one shilling per ton), and to the said Harbour dues, as will, in his opinion, be sufficient to enable the Corporation to meet all the charges imposed by this Section, out of the duty and surplus hereby directed to be applied to the payment thereof.

Proviso.

XXXI. And be it enacted, That the said Corporation shall keep separate accounts of all moneys borrowed, received and expended by them, under the authority of the next preceding six Sections of this Act, and shall annually account for the same in the manner provided in Section twenty-four of this Act, such accounts being rendered to the Governor in such manner and form as he shall from time to time direct, and being accompanied by a full and particular statement of the proceedings of the Corporation for the same space of time.

Corporation to keep separate accounts of all moneys borrowed.

XXXII. And be it enacted, That any person wilfully removing or destroying, or procuring to be removed or destroyed, any buoy, light, beacon or land mark placed by the said Corporation for the purposes of navigation, either in the said Harbour or in the said Lake Saint Peter, or in the Channel of the River Saint Lawrence between the said points or elsewhere, shall, upon conviction, before any competent tribunal or Magistrate, for every such offence (of which he may be convicted by the testimony of one competent witness, and any one of the Members of the Corporation, or of their officers and servants, and any persons appointed by virtue of this Act shall be competent as such witness,) incur and pay to the said Corporation a penalty not exceeding One Hundred Pounds, with costs of suit, and in default of payment shall be committed to the Common Gaol of the District of Montreal, until the same be paid.

Penalty for removing or destroying buoys, beacons, &c.

XXXIII. And be it enacted, That the Members and Officers of the said Corporation shall be exempt from serving on Juries or Inquests whatsoever, or as Assessors or Constables.

Exemptions.

XXXIV. And be it enacted, That the words "By-Laws," "Vessels," "Goods" and "Dues," in the provisions of this Act,

Interpretation clause.

Act,

Act, wherever the same occur, shall severally be construed to mean and shall mean as follows: the words "By-Laws" shall mean and include all By-Laws, Rules, Orders and Regulations made by the said Corporation or other competent authority; the word "vessels" shall mean and include all Ships, Vessels, Boats, Barges, Steamboats, Scows, Rafts, or other craft whatever; the word "Goods" shall mean and include all Merchandize, Wood, Animals, articles and things whatever landed from or taken on board of any vessel; and the word "Dues" shall mean and include all Rates, Tolls and Duties, Tonnage and Wharfage Dues, payable by any vessel or upon any goods, as mentioned in the said Schedule appended to this Act.

Appointment of arbitrators in case of disagreement as to price of land.

XXXV. And be it enacted, That whenever the said Corporation shall desire to acquire any land for the purposes of this Act, and an amicable arrangement with the proprietor shall not take place, the price to be paid for such land shall be determined as follows: the said Corporation and the proprietor, shall each appoint a disinterested arbitrator, and the two arbitrators shall name a third, also disinterested, and the three arbitrators after being sworn by or before any legally qualified person to fulfil their duty honestly and impartially, and having reciprocally given notice of the time and place of their meeting, shall determine the price to be paid by this Corporation for such land, and their decision shall be final.

Proprietor neglecting, Judge to appoint arbitrators.

XXXVI. And be it enacted, That if the proprietor of the land shall, after being notified by the said Corporation, refuse or neglect to appoint an arbitrator to fix the price thereof, or if the two arbitrators appointed by the two parties interested shall not agree upon a third, one of the Judges of the Superior Court shall name an arbitrator for the proprietor, or, as the case may be, the third arbitrator; and in case of the death of an arbitrator, or his refusal to act, the party who shall have appointed him, or the Judge, as the case may be, may appoint another in his place; and the three arbitrators being respectively sworn by any legally qualified person shall decide finally on the price to be paid by the said Corporation for the land.

Corporation may take the land at price fixed by arbitrators.

XXXVII. And be it enacted, That when the arbitrators shall have determined the price of any land, the said Corporation may take the same and become proprietor thereof, by paying the price so fixed either to the proprietor or into the hands of the Prothonotary of the Superior Court at Montreal for the proprietor, and the price agreed upon or awarded for any land taken or kept by the said Corporation, shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price; and if the said Corporation have reason to apprehend that any claims may exist to or upon the price on the part of any third party, it may pay such price into the hands of the Prothonotary of the Superior Court at Montreal,

filing

filing at the same time a copy of the deed of purchase or of the award, and the Court after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price and with regard to interest thereon and to costs as to law may appertain.

XXXVIII. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A—TARIFF.

Tolls, Rates and Wharfages to be levied in the Harbour of Montreal, by virtue of this Act.

- On Steamboats measuring fifty tons and upwards, per ton of their Burthen per Register, for each day of twenty-four hours they remain in port, reckoned from the hour of their arrival to that of their departure..... $\frac{1}{2}$ d.
- On all other Vessels measuring fifty tons and upwards, per ton of their burthen per Register, for each day of twenty-four hours they remain in port, reckoned from the hour of their arrival to that of their departure..... $\frac{1}{4}$ d.
- On Steamboats measuring under fifty tons per day as aforesaid.....2s.
- On all other Vessels measuring under fifty tons per day as aforesaid.....6d.

And on the following Animals, Articles, Goods, Wares and Merchandize, to wit :

Ashes, Pot or Pearl, per Barrel.....	3d.
Peas, Beans and Corn or Grain of all kinds, except Wheat, per hundred minots.....	9d.
Wheat, per hundred minots	1s. 3d.
Malt, per hundred minots.....	10d.
Salt, per hundred minots.....	10d.
Flour, per Barrel of one hundred and ninety-six pounds.....	$\frac{1}{2}$ d.
Flour, per Half Barrel.....	$\frac{1}{4}$ d.
Pork and Beef, per Barrel.....	$\frac{1}{2}$ d.

(Other packages in proportion.)

Cinders } Coals } Coke }	Per Chaldron.....	6d
Deals, per one hundred pieces.....	1s. 3d.	
Deal ends, per hundred pieces.....	5d.	
Boards, per hundred pieces.....	5d.	
Planks, per hundred pieces.....	10d.	
Scantling, per hundred pieces.....	5d.	
Shingles, per Bundle.....	1d.	
Handspikes, per one hundred.....	7 $\frac{1}{2}$ d.	
Staves, Barrel, per mille.....	9d.	
	Staves	

Staves, Puncheon, per mille.....	1s.
Staves, Standard, per mille.....	3s.
Timber, per one hundred feet.....	5d.

Frames of Rafts, free, till discharged :

Firewood, per cord.....	3d.
Bark, per cord.....	3d.
Hogs, each.....	1d.
Horses, Mares, Colts, each.....	1d.
Sheep, Lambs, each.....	$\frac{1}{2}$ d.
Neat Cattle, each.....	1d.
Calves, each.....	$\frac{1}{2}$ d.
Hay or Straw, per one hundred bundles.....	6d.
Stones, per one hundred feet.....	5d.
Iron } Per Ton.....	10d.
Lead }	
Oysters per minot.....	$\frac{1}{4}$ d.
Burr Stones each.....	$\frac{1}{2}$ d.

And upon all Goods, Wares and Merchandize whatsoever not enumerated in the foregoing list, there shall be levied and paid a rate of one half penny on and for every pound currency of the value of the same.

C A P. X X V.

An Act for the relief of sufferers by the late fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said fire.

[10th November, 1852.]

Preamble.

WHEREAS by the disastrous conflagration which has lately burned above one thousand houses and other buildings in the City of Montreal, a large amount of property was destroyed; And whereas the greater number of the persons who suffered upon that occasion have lost all they had, and are unable to re-build the property so destroyed without assistance; And whereas the Corporation of the said City of Montreal, has expressed its willingness to become surety to the extent of a sum not exceeding one hundred thousand pounds for such of the said persons as may borrow money for the purpose of enabling them to re-build their property so destroyed; And whereas the loans contemplated by this Act can be obtained with greater facility and on easier terms, if the payment of the sums borrowed and the interest thereon be guaranteed by the Government of this Province in the event only of the said Corporation refusing or neglecting to make good the security which may be given by the said Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person or persons, company or firm of persons, body politic or corporate, shall lend and advance to any person or persons having suffered by reason of the fire above mentioned, such sum or sums of money as may be required by such person or persons for rebuilding and erecting, upon lots of ground left vacant by the said fire, such houses or other buildings as they may require, or shall lend and advance to any person or persons having suffered by the said fire, such sum or sums of money as may be required by such person or persons to repay any sum or sums of money already borrowed for the purpose of rebuilding or erecting such houses or other buildings, and with which such person or persons shall have rebuilt or erected such houses or other buildings, upon lots of ground left vacant by such fire as aforesaid, it shall be lawful for the Corporation of the said City of Montreal, if it shall see fit, in the usual and ordinary manner in which the said Corporation becomes a party to and executes deeds or contracts, to become a party to any Obligation, Deed, *Acte*, or Instrument in writing under which any such Loan or Loans is or are to be made, granted and effected, and as such party as aforesaid to become surety, (*caution*) for any such loan or loans, made by any person or persons, company or firm of persons, body politic or corporate, to any person or persons, under the authority of this Act; and for the purposes of such suretyship to bind and oblige itself as surety (*caution*) only, for the repayment of the same, and the due payment of the interest thereon in whole or in part (as the case may be), in the event of the lenders being unable to enforce payment thereof, from the parties borrowing the same, after due diligence and the discussion of the personal and real estate of the said parties for that purpose.

The Corporation of Montreal may become surety for persons borrowing money to rebuild property destroyed by the Fire.

II. Provided always, and be it enacted, That the loans for which the said Corporation shall become surety under the authority of this Act, shall not exceed at any time the sum of One Hundred Thousand Pounds, current money of Canada; and provided also, that no loan for which the said Corporation shall be surety under the provisions of this Act, shall in any case exceed the sum of Five Hundred Pounds current money aforesaid, for each lot of ground to be built upon, each lot of ground within the meaning of this Act not to contain less than one thousand feet in superficies; and that any sum or sums of money to be lent under the provisions of this Act, and for the repayment of which the said Corporation shall be surety shall be so lent at a rate of interest not exceeding six per centum per annum, and for a period not exceeding twenty years.

Extent of suretyship limited to £100,000: and to £500 in each case.

Rate of interest.

Privileges for
securing sums
so lent.

III. And be it enacted, That any person or persons, company, or firm of persons, body politic or corporate so making any loan or advance under any instrument to which the Corporation shall be a party as aforesaid, shall have a privilege for such loan, in principal, interest and costs, upon the houses or other buildings erected and built upon the lot of ground described in such instrument, which privilege shall be superior to, and have preference over any other claim, debt, mortgage or privilege whatsoever, on such houses or buildings, and that to secure such privilege it shall not be necessary to observe any of the formalities now required by law, or any other formality whatsoever; Provided always, that such privilege shall, as regards the ground itself upon which such houses or buildings may be erected, rank next after the privileges, debts, mortgages or claims already existing or which may exist upon such ground (*fonds*) at the time of making such loan; but nothing herein contained shall prevent the parties making such loan or loans from taking a hypothec as provided by law, upon the said ground (*fonds*), which hypothec, if duly registered, shall rank as aforesaid.

Property to
be insured.

IV. And be it enacted, That the person or persons, company or firm of persons, bodies politic or corporate, making such loan or loans as aforesaid, shall have the right, and they are hereby required to insure, at such Insurance Office or Offices as they and the said Corporation may agree upon, or if they cannot agree, then in such Office as the Governor shall direct, and for an amount sufficient to cover such loan or loans, or the amount thereof actually owing at the time such Insurance shall be effected, and no more, the houses or other buildings which may be erected and built as aforesaid, and to continue such Insurance from year to year until the repayment of the amount lent under this Act, shall have been made, and to charge the proprietor or proprietors of such houses or other buildings, with the premium of Insurance paid for such Insurance, as aforesaid, which said premium of Insurance the person or persons for whom such Insurance shall have been effected, shall be bound to repay forthwith and upon the first demand; and the amount of such Insurance in the event of the property so insured being destroyed or injured by fire, shall be appropriated to the payment, first, of the arrears of interest due upon the amount lent, and secondly, towards the payment of the principal so lent.

Province to
guarantee the
performance
of the obligation
which the
Corporation
shall take
upon itself.

V. And be it enacted, That to the extent of the sum of one hundred thousand pounds as aforesaid, the guarantee of this Province shall be given in the manner hereinafter provided, for the due performance by the said Corporation of the City of Montreal, of the obligations it shall take upon itself by such suretyship as aforesaid, that is to say: in the event of the said party

party or parties lending the said money, being unable to enforce payment thereof or of the interest thereon from the parties borrowing the same, after due diligence and discussion of the personal and real estate of the said last mentioned parties; and in the event also of the said Corporation not then paying the same on demand as aforesaid, it shall be lawful for any person or persons, company or firm of persons, body politic or corporate, having made such loan or loans as aforesaid, to apply to the Governor of this Province for payment of any sum or sums so due as aforesaid, either for principal or interest; and upon such application for payment it shall be lawful for the Governor to issue his Warrant for the amount so due, to the Receiver General of the Province, requiring him to pay the amount mentioned in the said Warrant, and to charge the same upon the unappropriated funds of the Province then in his hands.

VI. And be it enacted, That upon such sum or sums of money being paid upon such Warrant as aforesaid, the Crown shall immediately be substituted and subrogated to all the rights and actions which the parties to whom such sum or sums of money shall have been paid, might or could have exercised against the person or persons to whom the loan or loans shall have been made, or against the said Corporation of the City of Montreal, for the recovery of the sum or sums of money so lent as aforesaid, without its being necessary that any Act, Deed or Instrument whatever should be made or passed to operate such substitution or subrogation, and that the receipt in the hands of the Receiver General or other Officer shall be sufficient evidence in all Courts of Law of such payment, substitution and subrogation; provided always, that such rights or actions may be exercised either in the name of the lender or lenders of such sum or sums of money, or in the name of Her Majesty's Attorney General, either by action or information in any Court of competent jurisdiction.

Payment of any sum by the Province to operate subrogation, &c.

VII. And be it enacted, That the said person or persons obtaining such loan or loans aforesaid, or the said Corporation of the City of Montreal, shall, forthwith after the execution of any Obligation, Deed, Act or Instrument in Writing, under this Act, furnish an authentic copy thereof to the Receiver General aforesaid, as also an authentic copy of any other Deed, Act or Instrument affecting the original transaction in any manner whatever.

Copies of Deeds to be furnished to Government.

VIII. And be it enacted, That the said Corporation of the City of Montreal, shall keep a statement or account of all the loans made under this Act, shewing by whom such loans shall have been made and to whom, the period at which the same were effected, at what period the interest accrues, the arrears of such interest due upon each loan respectively, and at what period or periods the principal is made payable, a copy of which

Corporation to keep accounts, and furnish copies when required.

which statement or account duly certified shall be furnished to the Government when and so often as the said Corporation may be required and called upon so to do; and for the purpose of enabling the said Corporation to keep such account, the party making any such loan under this Act, shall certify to the said Corporation, and whenever thereunto required by the said Corporation, every sum of money which such party shall have received on account of the principal or interest of the sum lent and the date at which it was received.

Sheriff having execution against the Corporation may levy the money by rate: and by what proceedings, &c.

IX. And be it enacted, That if any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Loan made under the authority of this Act, the Plaintiff may require, and the Court shall then order that such execution be levied by Rate; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said City, and if the money therein mentioned, with all the lawful interest and costs, which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will in his opinion, after making fair allowance for expenses, losses, and deficiencies in the collection of such Rate, be required to produce a nett amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said City, for the information of the Council thereof, and shall attach thereto his precept commanding the said Corporation, and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him; and such precept shall be deemed an order of the Court, out of which the Writ issued, and shall be obeyed by the said Corporation, and by all officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court; and the Rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-laws of the City Council: and it shall be the duty of the Treasurer and Clerk, and of all assessors, collectors, and other officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this Section, and to give him any information or assistance which he may require for the purposes thereof, and all such officers of the Corporation shall, for all the purposes of this section, be deemed officers of the Court out of which the Writ issued, and amenable to and punishable by such Court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively; and the proceeds of the said rate shall by the Treasurer be paid over to the said Sheriff, and by him applied to the satisfaction

of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, such surplus shall be paid back to the Treasurer and form part of the Funds at the disposal of the said Corporation.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . X X V I .

An Act to authorize the City of Montreal to raise a Loan to consolidate their debt.

[10th November, 1852.]

WHEREAS by the Act passed in the Session held in the Preamble. fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal,* it is among other things in effect enacted, That it shall be lawful for the Council of the said City of Montreal to borrow, on the credit of the said City, such sum or sums of money as the said Council may think proper so to borrow, provided the total amount borrowed and remaining unpaid, exclusive and independent of the amounts due or to become due on account of the purchase or improvement of the Montreal Water Works, shall not exceed at any one time the sum of one hundred and fifty thousand pounds currency, which debt so authorized to be contracted for general purposes, is hereinafter called the *General Debt* of the said City ; and whereas by the said Act it is also in effect enacted, That, for the purpose of extending and improving the said Water Works, it shall be lawful for the Council of the said City, to borrow a sum not exceeding fifty thousand pounds, currency, exclusive of the said sum of one hundred and fifty thousand pounds, and in addition to the debt contracted for the purchase of the said Water Works, under the authority of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire and hold the property now known as the Montreal Water Works,* which said debts so authorized to be contracted for the purpose of purchasing or improving the said Water Works, are hereinafter called "*The Water Works Debt*" of the said City ; and whereas the said "*General Debt,*" and the said "*Water Works Debt,*" are both secured upon the general funds of the said Corporation, and the said "*Water Works Debt*" is also secured by special privilege on the said Water Works ; And whereas it is expedient to make provision for consolidating the said debts, and placing the financial affairs of the said City on a better footing, by providing means for paying off the said debts either by means of terminable annuities or of a Sinking Fund ; and with this view to enable the said

14 & 15 V. c. 128.

7 V. c. 44.

said Corporation to borrow money for the purpose of paying off such portions of the existing debts as it may be found conducive to the attainment of the object aforesaid, to pay off: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in addition to any portion of the sums which the said Corporation is now authorized to borrow, and which may remain unborrowed at the time of the passing of this Act, it shall also be lawful for the said Corporation, to borrow from time to time under the provisions of this Act, such further sums as may be necessary to pay off any part of their debt, (whether forming part of the said General Debt or of the said Water Works Debt, or of the debt to be contracted under this Act, hereinafter called the *Consolidated Debt*), which shall be overdue or which they shall deem it advantageous to the City to pay off; provided, that the total amount of the debt or debts of the said City, shall never exceed the total amount of the General Debt and the Water Works Debt now authorized, except for such short intervals of time as must necessarily occur between the borrowing of any sum for the purpose of paying off any sum due by the Corporation, and the actual paying off the same, and then only by such sum as shall be actually in the hands of the Treasurer, or at the call and disposal of the Corporation, with the intent and for the sole purpose of its being used for paying off any such sum as aforesaid owing by the Corporation.

Corporation empowered to borrow money to pay off their present Debt, &c.

Proviso: Total amount of debt limited

How and where such money may be borrowed.

II. And be it enacted, That any sum which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal and interest thereof may be made payable, either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Terminable annuities may be granted for money.

III. And be it enacted, That it shall also be lawful for the said Corporation to grant Bonds for Terminable Annuities to parties from whom they shall borrow any sum of money under the authority of this Act, instead of issuing to such parties Debentures of the nature mentioned in any preceding Act or Acts; and any such Annuity may be made payable either in this Province or in any other Country, and either in the Currency of this Province, or in that of the Country in which the same shall be payable, and the amount of any such Annuity, and the term during

during which it shall be payable may be such as shall be agreed upon by the Corporation of the said City, and the other party interested, any law to the contrary notwithstanding; and any such Annuity may be made payable to the Bearer of the Bond or of the proper *Coupons*, and either by yearly or half yearly payments, and generally the provisions of former Acts as to such Debentures as aforesaid shall be applicable, so far as the case will admit, to Bonds for Terminable Annuities to be issued under this Act; Provided always, that in calculating the amount of the Debt of the said City, for the purpose of ascertaining whether the amount limited by this Act, has or has not been exceeded, each such Bond shall be reckoned as representing an amount of Debt equal to the sum which the Corporation obtained for it; And provided also, that the term for which any such annuity shall be granted shall not exceed twenty years.

Form of Bonds, &c.

Proviso.

Proviso.

IV. And be it enacted, That any Debenture or Bond issued by the said Corporation after the passing of this Act, shall be held to form part of the Consolidated Debt of the said City, whether it be issued to any party actually making a new Loan to the Corporation or to a party taking such Debenture or Bond in exchange for another or others issued before the passing of this Act, and forming part of the said General Debt or of the said Water Works Debt.

Money so borrowed to form consolidated debt.

V. And be it enacted, That it shall be lawful for the said Corporation to call in all Debentures or Bonds issued before the passing of this Act, the principal sum secured by which may be over due; and such calling in shall be by advertisement inserted three times at intervals of two weeks in the *Canada Gazette* in both languages; and three times at intervals of two weeks in some Newspaper published in the said City in the English language, and in some Newspaper there published in the French language, and after the day named in such advertisement, (which shall not be before the time at which the last insertion thereof may be made as aforesaid,) no interest shall be payable by the said Corporation on any Debenture or Bond so lawfully called in and not presented for payment on or before the day named as aforesaid.

Outstanding debentures over due may be called in.

VI. And be it enacted, That it shall be the duty of the Treasurer of the City of Montreal, before the Quarterly Meeting of the Council of the said City, in the month of September in the year one thousand eight hundred and fifty-three, and in each year thereafter, to take from and out of the annual revenues and funds of the Corporation of the said City of Montreal (from whatsoever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the then outstanding Consolidated Debt of the City secured otherwise than by Bonds for Terminable Annuities, which said sum of money the said City Treasurer

Duty of Treasurer to provide a sinking fund for debt not secured by annuities.

And to provide for payment of annuities.

Treasurer to lay certificate of his having complied with this section, before the council.

Treasurer shall keep apart from all other moneys, to be invested and applied under the orders of the City Council, solely and exclusively as a Sinking Fund, towards the extinction of that portion of the said Consolidated Debt secured otherwise than by Bonds for Terminable Annuities ; it shall also be the duty of the said Treasurer at the same time to take from and out of the annual revenues and funds of the said City from whatever source arising, and before the payment of any appropriation whatsoever of the said revenues or funds, such sum of money as will be sufficient to pay all the sums then due or to become due during the then next six months for Terminable Annuities granted under this Act ; and it shall be the duty of the Mayor, or person acting as such for the time being, and of the Aldermen and Councillors of the said City, to see that the provisions of this Section be strictly carried out in each year, by the persons whose duty it is to carry out the same, and within the time prescribed therein, and that the sum set apart as a Sinking Fund be invested without delay in the Public Provincial Securities, or in the Stock of such of the Chartered Banks of this Province as shall afford the most ample security and be the most advantageous to all the parties concerned, and that any sum so set apart for the payment of Terminable Annuities be invested in the most advantageous manner consistent with its being at the command of the Treasurer when required to pay such Annuities : And it shall be the duty of the City Treasurer to place before the Council, at its First Meeting in the month of September in each year, a certificate signed by himself and countersigned by the Mayor of the said City, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this Act, and in default of his so doing the said City Treasurer shall, *ipso facto*, become and be liable to pay to the said Corporation a fine of Five Hundred Pounds currency, which said fine the said Council shall exact from the said Treasurer within the shortest possible delay, and the same shall form part of the Sinking Fund aforesaid, or shall be applied to pay off the said Annuities, if not required for the said Sinking Fund ; and for the purpose of furnishing additional and more ample security to the lenders of the said money, it shall be the duty of the Auditors of the said City annually to lay before the said Council a statement under oath showing whether the said Treasurer has or has not fulfilled all the obligations imposed upon him in and by the said section.

Sinking fund for water works debt.

VII. And be it enacted, That all the Revenues arising from or out of the supplying of water to the said City, or from the property moveable or immoveable connected with or belonging to the Water Works for supplying the same, shall, after providing for the payment of the current expenses of the Water Works Department, and the interest accruing on the Debentures or Bonds issued by the said Corporation before the passing of this Act, for moneys borrowed under the authority of the Act hereby amended or of any preceding Act, for the purchase

purchase or improvement of the said Water Works, (and so forming part of the Water Works Debt of the said City,) be formed into a fund separate and apart from all other funds of the said Corporation, and shall be applied by the said Corporation towards the extinction of the said Water Works Debt, and after the extinction of the said Debt the said Revenues shall make part of the General Funds of the Corporation, and may be applied accordingly.

VIII. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Treasurer of the said City, and applicable to the payment of the interest or of the principal of the said Consolidated Debt of the said City, or any terminable annuity forming part of the said Consolidated Debt, shall be insufficient to pay any such interest or principal or annuity then due, it shall be the duty of the said Treasurer to calculate what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such Rate) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such principal, interest and annuity, and to certify such Rate under his hand to the Clerk of the said City, for the information of the Council, in the following form, or to the like effect :

Duty of Treasurer if at any time he shall not have money in his hands to meet interest or annuities due.

“ SIR,—I hereby certify, for the information of the Council of the City of Montreal, that a Rate of _____ in the pound, on the assessed yearly value of the property liable to assessment in the said City, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such Rate) required to produce a nett amount equal to that now due for interest, (principal, *if any be due*) and annuities forming part of the Consolidated Debt of this City.”

And such certificate shall have the like effect as a By-law of the Council of the said City lawfully imposing the Rate therein mentioned, and shall be obeyed and acted upon by all Officers of the Corporation and by all others, and the Rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other Rates lawfully imposed by any By-law of the City Council, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or as to the time of the year at which Rates may be imposed, levied or collected ; and the proceeds of such Rate shall be applied first to the payment of the principal, interest and annuities, as the case may be, for the payment whereof the Rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Corporation.

Duty of sheriff on receiving a writ of execution against corporation for moneys forming part of the consolidated debt.

IX. And be it enacted, That if hereafter at any time, any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Debenture or Corporation Bond forming part of the said Consolidated Debt of the said City or for arrears of any annuity forming part of the said Consolidated Debt, the Plaintiff may require, and the Court may order that such execution be levied by Rate; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said City: and if the money therein mentioned, with all the lawful interest and costs which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such Rate, be required to produce a nett amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said City for the information of the Council thereof, in the manner and form *mutatis mutandis*, prescribed for the certificate of the Treasurer in the eighth section of this Act, and shall attach thereto his precept commanding the said Corporation and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him; and such certificate shall have the like effect as the certificate of the Treasurer, in the eighth section mentioned, and such precept shall be deemed an Order of the Court out of which the Writ issued, and shall be obeyed by the said Corporation, and by all Officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court; and the rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-Laws of the City Council, or by any certificate of the City Treasurer, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or the time of the year at which Rates are to be levied and collected: and it shall be the duty of the Treasurer and Clerk, and of all Assessors, Collectors and other Officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this section, and to give him any information or assistance which he may require for the purposes thereof, and all such Officers of the Corporation shall, for all the purposes of this section, be deemed Officers of the Court out of which the Writ issued, and amenable to and punishable by such Court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively; and the proceeds of the said rate shall, by the Treasurer, be paid over to the said Sheriff, and by him applied to the satisfaction of

of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

X. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothec, granted by the Act hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said "General Debt," or of the said "Water Works Debt" of the said Corporation, or any remedy which, without this Act, any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same; and that no further provision which the Legislature of this Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond, whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

Proviso.
Securities for preventing debt not to be impaired.

C A P. X X V I I .

An Act to amend the Law relating to the Recorder's Court of the City of Montreal.

[10th November, 1852.]

WHEREAS it is desirable to amend the Act of the Parliament of this Province hereinafter mentioned in so far as relates to the Recorder's Court of the City of Montreal: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*,

Preamble.

Inconsistent enactments of 14 & 15 V. c. 128, repealed.

as

as is inconsistent with the provisions of this Act, be and the same is hereby repealed.

Court may be held with or without an Alderman.

II. And be it enacted, That it shall be competent for the Recorder for the said City of Montreal to hold the Recorder's Court of the City of Montreal with or without the assistance or in the presence or absence of any one or more of the Aldermen or Councillors of the said City.

Process need be signed only by the City Clerk.

III. And be it enacted, That it shall not be necessary that any Precept, Writ or Process to be issued out of the said Recorder's Court be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the Mayor, Alderman or Councillor of the said City presiding in the said Court, and countersigned by the City Clerk of the said City, but it shall be sufficient that any such Precept, Writ or Process be signed by the City Clerk of the said City or his Deputy, as hereinafter mentioned.

City Clerk may appoint a Deputy as Clerk of Recorder's Court.

IV. And be it enacted, That it shall be lawful for the City Clerk of the said City of Montreal from time to time, by an instrument under his hand and seal to be acknowledged by him before and duly deposited and filed in the office of the said Recorder's Court, and entered and recorded in the Register thereof, to appoint one fit and proper person to be and act as his Deputy in the discharge of all and every his duties as Clerk of the said Recorder's Court, and to remove any person so appointed and appoint another in his stead; and each and every person so appointed shall at all times, while his said appointment shall remain in force and unrevoked, be to all intents and purposes a Clerk of the said Recorder's Court.

Recorder's Court may try cases of assault, &c., committed within the City.

V. And be it enacted, That it shall be lawful for the said Recorder's Court to hear, try and determine any case of common assault or assault and battery arising within the said City upon complaint of the party aggrieved praying the said Court to proceed therein under this Act, in the same manner and to the same effect and subject to the same provisions as any Justice of the Peace may by law now summarily hear, try and determine any complaint of any such offence, and also to hear, try and determine any complaint under the above cited Act against any person for assaulting or resisting any officer or constable appointed under the said Act in the execution of his duty, or for aiding or inciting any person so to assault or resist.

CAP. XXVIII.

An Act to amend and explain the Act authorizing the issue of Debentures for giving relief to the City of Quebec.

[10th November, 1852.]

WHEREAS doubts have arisen as to the meaning of the Act passed in the ninth year of Her Majesty's Reign, and intitled, *An Act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the City of Quebec*, and it is necessary clearly to define the power and the manner of altering and increasing the security furnished by borrowers: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That

whenever any real property hypothecated for the security of the payment of the sums due by any person to whom moneys have been advanced or loaned by the Government under the Act above cited, and of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-five, is or shall be alienated by private sale, or by any sale by authority of justice, it is and shall be lawful for the Governor if he shall see fit, to leave in the hands of the borrowers of the moneys in question, or of the purchasers of the real property hypothecated, the principal sum in respect of which Her Majesty shall hold a privilege or hypothec, during the remainder of the period for which the loan was originally effected, in the same manner, and at the same rate of interest and with the same security, or such other security, as the Governor in Council shall deem expedient.

Preamble.

When property hypothecated for any loan is sold, the price may be left in the hands of the vendor or of the purchaser on proper security.

II. That in all cases of applications for letters or judgment of confirmation of title, in case of the deposit of the price of sale or otherwise, the Governor in Council is and shall be authorized to leave in the hands of the borrowers of the moneys advanced or loaned as aforesaid, or of the purchasers of real property hypothecated for the payment thereof, the principal sum for which Her Majesty is or shall be a creditor, in the manner prescribed in the next preceding section.

The same in cases of confirmation of title.

III. That in the cases above mentioned, it is and shall be lawful for the Governor in Council, to return or cause to be returned, as a loan, the principal sums so received, or which Her Majesty would be entitled to receive, before the expiration of the time limited for the repayment of the original loan.

In such cases the money may be returned as a loan.

IV.

Crown to have the same privilege as for the original loan.

IV. For the recovery, security and payment of any sum which shall be advanced under this Act, and of the interest thereon, the Crown shall have the same recourse, rights, hypothecs and privileges, as are granted, under the Act above mentioned, for the security and payment of the sums advanced under the said Act, and shall be entitled to the same exemption from enregistration and other formalities therein mentioned.

C A P . X X I X .

An Act to provide for the removal of the Registry Office of the County of Missisquoi from the place where it is now kept to a more central position.

[10th November, 1852.]

Preamble.

WHEREAS the Registry Office of the County of Missisquoi was fixed and is now held in the Village of Frelighsburgh, in the Seigniory of St. Armand, the most southern part of the said County, and it is expedient for the general convenience of the population of the said County, to change the site of the said Registry Office, and to place it in a more central position; and whereas Dunham Flats, in the Township of Dunham, is the most central and convenient place for the majority of the inhabitants of the said County: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That on the first day of January, in the year one thousand eight hundred and fifty-three, the Registry Office for the County of Missisquoi shall be removed from the place where it is now held, and shall, from and after the said first day of January, be established and held at Dunham Flats, in the Township of Dunham, in the said County.

Registry Office to be removed on 1st Jan. 1853.

C A P . X X X .

An Act to detach, for judicial purposes, the settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska.

[10th November, 1852.]

Preamble.

WHEREAS by reason of the great distance of the settlements of Ste. Anne-des-Monts and Cap-Chat, included in and making part of the County and District of Gaspé, from the places in the said County and District whereat the Courts

of

of Justice sit, and the want of a road of communication between those places, it is expedient, in conformity with the petition and prayer of the inhabitants of the aforesaid settlements, to detach the same from the aforesaid County and District of Gaspé, and for judicial purposes to place them under the jurisdiction of the nearest Courts, that is to say, the Superior Court, in the District of Kamouraska, and the Circuit Court, in the County of Rimouski: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the first day of January, one thousand eight hundred and fifty-three, the aforesaid settlements of Sainte Anne-des-Monts and Cap-Chat, hitherto included in and making part of the County and District of Gaspé, shall be and the same are hereby detached and withdrawn from the jurisdiction of the Courts in and for the County and District of Gaspé, and transferred and made subject to the respective jurisdictions of the Superior Court by law established in the aforesaid District of Kamouraska, and to the Circuit Court in the said County of Rimouski, according to the respective competencies of the said Courts; and that the said settlements shall, for judicial purposes, hereafter form part of the said District of Kamouraska in and over which settlements the said Superior and Circuit Courts shall respectively, after the said first day of January next, have jurisdiction in as full and ample a manner in all respects as by law they have and may exercise within their respective jurisdictions, at the time of the passing hereof.

After 1st Jany. 1853, the settlements of St. Anne-des-Monts and Cap-Chat, to be within the jurisdiction of the courts for the District of Kamouraska and County of Rimouski.

II. And be it enacted, That all proceedings at law, civil and criminal, and all enregistrations or formalities thereunto appertaining, begun, existing and remaining to be done in the District of Gaspé, at the date above mentioned in any wise relative to the said settlements of Sainte Anne-des-Monts and Cap-Chat, or any land or lands therein, or to any inhabitant or inhabitants thereof, may lawfully be thereafter continued, proceeded upon, adjudicated, executed, perfected and certified, (with the same effect as if this Act had not been passed,) and that all Justices of the Peace for the said District of Gaspé, residing in the said settlements, shall respectively continue in office by virtue of this Act, in the same manner as if they had been appointed from the date aforesaid for the District of Kamouraska, as well as for the District of Gaspé.

Proceedings commenced may be continued and completed as if this Act had not been passed: Jurisdiction of Justices of the Peace residing in the said settlements.

III. Provided always, and be it enacted, That nothing in this Act contained shall be construed to interfere with the elective franchises of the freeholders of the said settlements of

Settlements to continue part of Gaspé

Sainte

County for
Electoral
purposes.

Sainte Anne-des-Monts and Cap-Chat, entitled to vote for the election of a Member to represent the County of Gaspé in the Legislative Assembly of the Province, when and as often as the case may occur ; the said settlements, notwithstanding any thing in this Act contained, remaining, for electoral and Legislative purposes, as heretofore, parts of the County of Gaspé.

Act 12 Vic.,
c. 126, not to
be affected by
this Act.

IV. Provided always, And be it enacted, That nothing herein contained shall be construed to repeal an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act detaching the settlements of Sainte Anne-des-Monts and Cap-Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality*, nor to annul or alter any of the enactments or provisions thereof.

Public Act.

V. And be it enacted, That this Act shall be deemed a Public Act, and as such be judicially noticed by all Judges, Justices and others whom it may concern without being specially pleaded.

May be alter-
ed during this
Session.

VI. And be it enacted, That this Act may be repealed, altered or amended during the present Session of Parliament.

C A P . X X X I .

An Act to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth and Bruce, and for other purposes therein mentioned.

[10th November, 1852.]

Preamble.

WHEREAS the Townreeves of the County of Perth, one of the United Counties of Huron, Perth and Bruce, have been duly constituted a Provisional Municipal Council for the said County of Perth, in pursuance of the Provisions of the tenth section of an Act of the Parliament of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require* ; And whereas the said Provisional Municipal Council has not complied with the terms of the fifteenth section of the said recited Act in time to enable a Proclamation to be issued under the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth, so as such disunion should take effect on the first day of January next ; And whereas there is just reason for believing that such Provisional Municipal Council will make it appear to the satisfaction of the Governor of this Province in Council, prior to the said first day of January next, that the terms of the fifteenth section of the said recited Act have been complied with ;

12 V. c. 78.

Recital.

with ; And whereas it is expedient to enable the Governor of this Province in Council thereupon to issue a Proclamation under the Great Seal of the Province, declaring the said County of Perth to be disunited from the said United Counties of Huron, Perth and Bruce : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so soon as the said Provisional Municipal Council of the said County of Perth shall make it appear to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured and such Court House and Gaol is erected, and the proportion of the debt, if any, to be assumed by the said County of Perth, shall have been adjusted or settled as provided by the fifteenth section of the said recited Act, and so soon as such appointments as are mentioned in the seventeenth section of the said recited Act shall have been made, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal of the Province, at any time on or before the thirty-first day of December next after the passing of this Act, to declare the said County of Perth to be disunited from the said united Counties of Huron, Perth and Bruce, upon, from and after the first day of January next after the passing of this Act, and the said County of Perth shall thereupon, and upon, from and after the said first day of January next after the passing of this Act, be, for all judicial and municipal purposes, disunited from the said union of the Counties of Huron, Perth and Bruce, and the union of the said Counties of Huron, Perth and Bruce, for such purposes, shall thereupon, and upon, from and after the said first day of January next, after the passing of this Act, be absolutely dissolved to the like extent, and as effectually as if a Proclamation had been issued in pursuance of the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth from the said union of the Counties of Huron, Perth and Bruce; upon, from and after the said first day of January next.

The Governor may, on being satisfied that certain things have been done, issue a proclamation disuniting the County of Perth from the union of which it now forms part

II. And whereas doubts have arisen as to the true boundaries of the Township of Brighton, under the provisions of the Act passed in the last Session of the Parliament of this Province, held in the fourteenth and fifteenth years of the reign of Her Majesty, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada* ; For remedy thereof, Be it enacted, That it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, declaring and describing the

The Governor may fix the boundaries of the Township of Brighton.

the boundaries of the said Township of Brighton, and from and after the first day of January next after the teste of such Proclamation, the territory included within such boundaries shall be and is hereby declared to have been the Township of Brighton, as if the said description had been included in the said Act.

The Governor may divide St. Patrick's Ward in the City of Toronto into two Wards.

III. And whereas the Common Council of the City of Toronto, by their petition, have, for two successive years, prayed that St. Patrick's Ward in the City may be divided into two Wards: Be it therefore enacted, That it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, dividing the said Ward into two Wards, and declaring by what names such Wards shall thenceforth be known and called, and from and after the first day of January next after the teste of such Proclamation, the said Wards so to be named and described in such Proclamation, shall be considered as separate Wards of the said City, in the same manner as if they had been originally mentioned and described as such separate Wards in the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and Elections shall be held in and for the said Wards on the first Monday in January next after the teste of such Proclamation, in the same manner as for any other Wards in the said City, and the persons whose names shall be entered on the Collector's Roll for St. Patrick's Ward for the year one thousand eight hundred and fifty-two, residing within each of such Wards respectively, at the time of holding the Elections therefor, and otherwise by law qualified to vote at Municipal Elections, shall be allowed to vote at the Election to be held in such Wards respectively, on the said first Monday in January.

C A P . X X X I I .

An Act to authorize the City of Kingston to negotiate a Loan of Seventy-five Thousand Pounds to consolidate the City Debt, and for other purposes.

[10th November, 1852.]

Preamble.

WHEREAS the City of Kingston have petitioned to be authorized by law to borrow on the debentures of the said City, a sum not exceeding seventy-five thousand pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower*

Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the Corporation of the City of Kingston, to raise by way of Loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of seventy-five thousand pounds of lawful money of Canada.

City of Kingston authorized to borrow £75,000 on Debentures.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Kingston for the time being, to cause to be issued debentures of the said City, under the Corporation Seal, signed by the Mayor and counter-signed by the Chamberlain of the said City for the time being, in such sums, not exceeding in the whole the said sum of seventy-five thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Form of Debentures.

III. And be it enacted, That so much of the said Loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the said City of Kingston, in the payment of the debt due or to become due on account of the English Loan of twenty thousand pounds, sterling; the debt due the Commercial Bank of the Midland District, amounting to fourteen thousand pounds, currency, or thereabouts, and all such promissory notes, debentures and other debts as are now due and payable, including the sum of two thousand five hundred pounds hereinafter mentioned, and the remainder of the said loan, after paying off all the debts due by the said City, shall be applied in aid of any Rail-ways and macadamized Roads now or hereafter to be constructed, and leading to or from the City of Kingston, and for no other purpose whatever.

Part of the said Loan appropriated to certain purposes.

IV. And be it enacted, That the funds derived from the negotiation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Commercial Bank of the Midland District at Kingston, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes, debentures and debts in the next preceding section of this Act mentioned.

Moneys raised to be deposited in Commercial Bank until required.

V. And be it enacted, That the sum of two thousand five hundred pounds of the said Loan so to be raised as aforesaid, shall be specially applied in payment of one hundred shares in the capital stock of "The Wolfe Island Rail-way and Canal

£2,500 to be applied to pay for certain Rail-road Shares.

Company," for which debentures have been given under authority of a By-Law of the Common Council of the said City, made in that behalf.

Council empowered to repeal a certain By-law

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Kingston, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council authorizing the same and declaring the levy of a special rate for the payment thereof, and also to repeal a certain other By-law of the said Common Council, if they shall see fit so to do, providing for the issue of debentures to the amount of one thousand pounds, for the improvement of "Division" and other streets, and levying a rate for the said one thousand pounds; and for the payment, satisfaction and discharge of the debentures issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City, in a By-law to be passed authorizing the said Loan of seventy-five thousand pounds, or any part thereof, and the issuing of the debentures therefor, to impose a special rate per annum to be called, "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent per annum for that purpose.

And to impose a special rate to form a Sinking Fund.

Sinking Fund how to be invested and managed.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Kingston, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in the next preceding section, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and to apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created under this Act.

By-law authorizing the Loan not to be repealed until the loan be paid off.

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act, authorizing the said loan of seventy-five thousand pounds, or any part thereof, shall not be repealed until the debt created under this Act and the interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

C A P . X X X I I I .

An Act to vest in the Corporation of the City of Hamilton, the "Gore" of King Street, for public purposes.

[10th November, 1852.]

WHEREAS in the original survey of the City of Hamilton, a vacant space of triangular form and known as "the Gore" of King Street, was left for the purposes of a Public Square : And whereas the Mayor, Aldermen, and Commonalty of the City of Hamilton, have, by their Petition, prayed that authority may be given them to erect public buildings on the said land, or otherwise enclose, ornament, or dispose of the same as to them in their discretion may seem meet : And whereas it is expedient to grant the prayer of the said Petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Hamilton, and their successors, and they are hereby empowered to erect and build upon the said piece of land (which is bounded on the West by James Street, and on the East by Catherine Street), such public building or buildings as they may think necessary, or to enclose the same for the purposes of a Public Square, and to ornament and improve it for such purposes, or otherwise to use and dispose of the said tract of land as the said Mayor, Aldermen, and Commonalty of the City of Hamilton may in their discretion think most advisable : Provided always, that nothing in this Act contained, shall in any manner affect or prejudice any claim which Robert J. Hamilton, eldest son and heir at law of the late George Hamilton, shall or may have in law or equity to the piece or parcel of Land above described ; and in the event of the said Robert J. Hamilton advancing any claim for compensation in consequence of this Act or any thing to be done thereunder, the amount thereof shall be fixed and determined by arbitrators to be chosen, one by the said Corporation, another by the said Robert J. Hamilton, and a third to be named by them, the said arbitrators, before entering into the said reference, and their award or the award of any two of them shall be final : Provided also, that nothing in this Act contained, shall be construed as an admission of any claim or right in the said Robert J. Hamilton in the said tract of land.

Preamble.

Corporation of Hamilton may enclose the Gore.

Proviso : as to any right of R. J. Hamilton.

Further Proviso.

C A P . X X X I V .

An Act to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations.

[10th November, 1852.]

Preamble.

WHEREAS the union of the Townships of East Tilbury and Romney is most inconvenient for the inhabitants of Romney, the two Townships being separated by an extensive marsh, and no mutual local interest existing between them: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the first day of January, one thousand eight hundred and fifty-three, the union of the said Townships shall be dissolved, and each of them shall be a separate Municipality by itself, notwithstanding that either of them may not then have one hundred resident freeholders and householders on the Collector's Roll; and that all the provisions of law in that behalf shall apply to the said Townships, as if they had been separated in consequence of each of them having been found to contain one hundred resident freeholders and householders on the Collector's Roll.

Union dissolved on and after 1st Jan. 1853.

C A P . X X X V .

An Act to enlarge and extend the powers granted by the Act 12 Vicr., chap 81, so as to enable the Municipal Council of the Township of Stamford, to make By-laws for the better government of that part of the said Township, which lies in the immediate vicinity of the Falls of Niagara.

[10th November, 1852.]

Preamble.

WHEREAS the rapid increase in the number of visitors at the Falls of Niagara, demands more stringent provisions than now by law exist in respect to licensing the owners of horses, carriages, and hackney coaches kept for hire, and of runners and other persons soliciting visitors to resort to taverns or public places, or acting as guides to the objects of curiosity in the vicinity thereof, and for compelling the prompt payment of their lawful charges therefor, and generally for the better government of the said vicinity; And whereas there is reason to believe that the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine does not confer upon the Municipal Corporation within whose jurisdiction the said

12 Vic. c. 81.

said Falls of Niagara are situate, the requisite powers to make such rules and regulations as now are or may be from time to time required for the purposes aforesaid; And whereas it is desirable that such powers should be possessed by the said Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Municipal Corporation of the Township of Stamford, and they are hereby authorized and empowered, in addition to the powers which they now by law possess, from time to time to make, repeal, alter and enforce By-laws, rules and regulations, to take and have effect only within such limits within such Township as they shall from time to time prescribe, for the several purposes following, that is to say :

Powers of Municipal Corporation of Stamford extended for certain purposes.

1. To prohibit any person or persons from soliciting passengers, visitors, or others to resort or go to any inn, tavern, or boarding house, museum, or other place of resort, without having first obtained from the said Corporation a license therefor.

Licensing Tavern Runners.

2. To prohibit all persons from acting as guides within such limits as aforesaid, unless a license therefor shall in like manner be taken out for that purpose.

And Guides.

3. To regulate and license the owners of livery stables, horses, cabs, hackney coaches, omnibuses, carts, and other carriages and vehicles used for hire within such limits as aforesaid, and to compel in a summary way the prompt payment of the lawful price or hire to the owner or driver of such horses, cabs, hackney coaches, omnibuses, carts and other carriages by the parties hiring or using the same, according to such tariff as may be established from time to time by the said Corporation, and to prevent runners, stage drivers and others, in the streets or public places, from soliciting and teasing passengers and others to go or travel in any boat, vessel, stage, carriage or other vehicle; also to require all persons licensed by the said Corporation to exhibit, when called upon, a certified copy of the tariff of charges for their remuneration prescribed by the said Corporation.

And Keepers of livery stables, horses, &c., kept for hire.

Preventing, &c., Passengers from being importuned.

4. Generally to make, alter and repeal all such other rules, regulations and by-laws for the welfare and good government of the said Municipality, within the limits so to be prescribed as aforesaid, as the said Corporation shall from time to time deem expedient; such by-laws not being repugnant to the laws of the said Province.

Making By-laws generally.

Granting
licenses.

5. To grant all such licenses and to make all such by-laws and regulations as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of the said Township: Provided always, that no person shall be subject to be fined more than Five Pounds, exclusive of costs, or to be imprisoned more than twenty days, for the breach of any By-law or regulation of the said Corporation made in pursuance of this Act.

Proviso.

How license
moneys to be
expended.

II. And be it enacted, That the moneys to be raised from the granting of the said licenses shall be expended under the direction of the said Municipal Corporation within the limits so to be prescribed as aforesaid, in repairing the roads and making such other improvements as the said Municipal Council may consider advisable.

C A P. XXXVI.

An Act to legalize and continue *The Municipal Corporation of the Township of Torbolton.*

[10th November, 1852.]

Preamble.

WHEREAS there are within the County of Carleton conflicting opinions as to whether the Township of Torbolton, in the said County, is or is not under the provisions of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty, and the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty-one, a lawfully constituted Municipal Corporation by itself; And whereas for divers reasons it is the unanimous wish of the Council of the said County, as set forth in the Petition from said Council to the Provincial Parliament in its present Session, that the said Township of Torbolton should be legalized and continued and constituted beyond all doubt a Municipal Corporation by itself, enjoying the same rights and performing the same functions as the several other Municipal Corporations of Townships within the said County; And whereas it is expedient and necessary for the safe government of the said County and of the said Township that all doubts on the above subject should be removed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Township of Torbolton is and shall be and shall have been a Municipal Corporation by itself; and all

Township of
Torbolton de-

Acts

Acts and Deeds hitherto done by the Municipality of the said Township in their character as such, as also all Acts and Deeds hitherto done whether by the Municipality of the adjoining Township of March as a Municipality, or by the County Council of the County of Carleton arising from the assumption of Torbolton to Municipal Jurisdiction, shall be held to be as valid and effectual as the Acts and Deeds done by any other Municipality within the same County, not otherwise unlawful; Provided always that this Act shall not be pleaded in any suit at Law or in Equity begun or pending before the passing of this Act.

clared to be and to have been a Municipal Corporation.

Proviso.

C A P. X X X V I I.

An Act to incorporate the Grand Trunk Rail-way of Canada.

[10th November, 1852.]

WHEREAS the construction of a Rail-way from the City of Toronto to the City of Kingston, and thence to the City of Montreal, would greatly tend to promote the welfare of this Province; And whereas the persons hereinafter mentioned are desirous of associating themselves together as a Company for the purpose of constructing such Rail-way, and that they and their successors and assigns, shareholders in such Rail-way, may be incorporated and invested with such powers as may enable them effectually to carry out their undertaking, and it is expedient to accede to their request: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Peter McGill, of the City of Montreal, the Honorable George Pemberton, of the City of Quebec, Thomas G. Ridout and John George Bowes, of the City of Toronto, Esquires, William Price, of the City of Quebec, Esquire, John Shuter Smith, of the Town of Port Hope, Esquire, Henry LeMesurier, of the City of Quebec, Esquire, Andrew Jeffrey, of the Town of Cobourg, Esquire, James Bell Forsyth, of the City of Quebec, Esquire, William Hamilton Ponton, of the Town of Belleville, Esquire, William Rhodes, of the City of Quebec, Esquire, David Roblin, of the City of Kingston, Esquire, William Matthie, of the Town of Brockville, Esquire, George Beswick, of the City of Quebec, Esquire, Chauncey H. Peck, of the Town of Prescott, Esquire, Thomas Ryan, of the City of Montreal, Esquire, John Counter, of the City of Kingston, Esquire, Roderick McDonald, of the Town of Cornwall, Esquire, George Etienne Cartier, of the City of Montreal, Esquire,

Preamble.

Certain persons incorporated.

Corporate
name.

Rail-way des-
cribed.

Proviso.

Esquire, Henry Chapman, of the City of Montreal, Esquire, Alexander Tilloch Galt, of the Town of Sherbrooke, Esquire, Luther Hamilton Holton, and David Lewis McPherson, of the City of Montreal, Esquires, and Henry Mather Jackson, of the City of London, Esquire, together with such person or persons as shall, under the provisions of this Act, become proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the said Rail-way, are, and shall be a Company, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate, by the style and title of *The Grand Trunk Rail-way Company of Canada*; and the said Company shall be and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Grand Trunk Rail-way of Canada*, from the City of Toronto through the Towns of Port Hope, Cobourg and Belleville, to the City of Kingston, thence by the route they may find most practicable, through the Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabruck, thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to the River Ottawa, and across the said River to a point between the Lake of the Two Mountains and the Village of St. Anne's, and thence to the City of Montreal by such line as the said Company may deem most advantageous; but the different sections of the said road may be made at the same time or in such order as the Company may think proper; Provided always, that if the Governor shall, after actual survey, ascertain that the interests of the Province would be promoted by the adoption of any other route between Kingston and Montreal, the said Company shall construct the said Rail-way on the line selected by the Governor after such survey.

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

Certain of the said clauses modified.

II. And be it enacted, That the several clauses of *The Rail-way 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 Rail-way," and "General Provisions," shall be incorporated in this Act, with the following modification of the ninth provision in the clause of the said Act, with respect to "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken for stations, depots or fixtures in any City or Town containing more than five thousand inhabitants, without the consent of the

the proprietor thereof: and with the exception of the sixth provision in the clause of the said Act with respect to "General Provisions," in lieu of which it is hereby enacted, that in the event of the Rail-way hereby authorized to be made, not being commenced within one year from the date of the passing of this Act, or not being completed before the first day of January, one thousand eight hundred and fifty-seven, it shall be lawful for the Governor in Council, by Proclamation, to revoke the Charter contained in this Act, and the same shall thereupon become and be null and void and of no effect whatever, in so far as regards so much of the Rail-way hereby authorized to be made, as shall not at the date of the said Proclamation be completed and open for public use: and with the further exception of any enactments in the said clauses which may be inconsistent with the express provisions and enactments of this Act, in like matters: And the expression "this Act" when used herein shall be understood to include all the clauses of *The Rail-way clauses consolidation Act* which are incorporated with this Act.

III. And be it enacted, That the Gauge of the said Rail-way shall be five feet six inches; and the fare or charge for each First Class Passenger by any train on the said Rail-way, shall not exceed two pence Currency for each mile travelled, the fare or charge for each Second Class Passenger by any train on the said Rail-way, shall not exceed one penny and one half penny Currency for each mile travelled, and the fare or charge for each Third Class Passenger by any train on the said Rail-way, shall not exceed one penny Currency for each mile travelled; and that at least one train having in it third Class Carriages shall run every day throughout the length of the Line.

IV. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing of the said Rail-way and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way and other works, provided such sum do not exceed the sum of Three Million Pounds sterling; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty-five pounds sterling each; and each of the persons hereinbefore mentioned, shall be entitled to an equal number of shares in the amount of stock above mentioned if he shall choose to take the same, and if he shall not choose to take the same, then the shares to which he is entitled but shall not choose to take, shall be equally divided among the others if they choose to take them, and so on till each shall have taken the number of shares to which he may be entitled and shall choose to take, and which he shall before the first day of December, one thousand eight hundred

Gauge.

Passenger
Fares limited.Capital may
be raised.Amount
limited.Allotment of
Shares.

Certificate of Shares.

Surplus of Shares how to be allotted.

Acknowledgment of acceptance of Shares.

As to Shares sold at a premium.

Increase of Capital.

hundred and fifty-two, declare to the Directors hereinafter mentioned, his intention to take ; and the said Directors shall issue to each of the persons aforesaid respectively, certificates under the Common Seal of the Company, of the number of shares to which he is entitled and shall have taken, and he shall then be the legal owner of such shares, and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares ; and if there be any surplus of shares after each of the said persons shall have received his certificate for those to which he is entitled and shall have taken, the said Directors or their successors in office, shall, on or after the day last aforesaid, dispose of and assign the same to such persons, at such times, and in such manner as they shall think most for the advantage of the Company, and shall deliver certificates as aforesaid to the persons to whom they shall be assigned, who shall thereupon become the legal owners of such shares and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares ; and each person to whom any share or shares shall be assigned, shall, on receiving the certificate therefor, sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors and shall be evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid ; and if any share or shares be disposed of by the Directors at a premium, such premium shall go to the Company as part of the profits ; And whenever the said Company shall determine to raise any further amount of capital, not exceeding together with the amount previously raised, the said sum of Three Millions Sterling, the same may be raised either by the then Shareholders of the Company among themselves or by the admission of new Shareholders, and in such manner as shall be determined by By-laws to be passed for the purpose ; and to the holders of any such additional stock, Certificates shall be issued in the manner aforesaid by the Directors for the time being, and acknowledgments shall be signed by the persons taking such stock, and such certificates and acknowledgments shall have the like effect in law as those hereinbefore mentioned ; and the word "person" in this Section shall include and apply to any body corporate or politic, whether municipal or otherwise, or other party who may lawfully hold shares in the stock of the said Company.

Directors.

V. And be it enacted, That the number of Directors of the said Company shall be eighteen, of whom nine shall (after the Directors hereinafter named shall go out of office,) be elected by the Shareholders in the said Company, who shall have respectively paid up all calls upon the shares held by them in the Stock of the said Company, and nine shall be appointed by the Governor of this Province in consideration of the guarantee of the Province to be extended to the said Company, and to represent the interest of this Province in the undertaking, and such Directors shall hold office during the pleasure of the Governor :

Governor : Provided always, that the said Peter McGill, George Pemberton, Henry LeMesurier, James Bell Forsyth, William Rhodes, Henry Mather Jackson, Thomas G. Ridout, William Hamilton Ponton and William Matthie, shall be and are hereby constituted Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute, with the nine Directors to be appointed by the Governor, the Board of Directors of the said Company, and shall with them have and exercise all the powers vested in such Board.

First Directors appointed.

VI. And be it enacted, That the Capital Stock of the said Company, is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto ; and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Rail-way, and other the purposes of this Act, and to no other use, intent or purpose whatsoever.

Application of Capital.

VII. And be it enacted, That the shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such, and shall be and are hereby vested in the said original Shareholders and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally pay thereupon ; and all and every the bodies politic, corporate or collegiate or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who being such Shareholders, shall pay the sum of twenty-five pounds, sterling, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate or community, person or persons, having such property of one part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Shares to be personalty, &c.

Share of each Stock-holder in the profits.

VIII. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Shareholders of the said Company are to be

Proportion of votes to shares.

be given, shall be similar to the number of shares held by him or her not exceeding one hundred, and that absent Shareholders may vote by proxy.

First General Meeting.

IX. And be it enacted, That the first General Meeting of the Shareholders under this Act may be held at such time and at such place in this Province as the Directors may appoint, after not less than fifteen thousand shares in the Stock of the said Company shall have been taken and certificates issued and acknowledgments received by the Directors therefor, provided that public notice thereof be given during one month in the *Canada Gazette*, and in at least one other paper published in each of the Cities of Toronto, Kingston, Montreal and Quebec, respectively; and at such first General Meeting the Shareholders assembled who have paid up all calls on the Stock held by them respectively, together with such proxies as shall be present, shall elect nine persons, being each a Shareholder of twenty-five or more shares in the said undertaking, who, with the Directors appointed by the Governor, shall be the Directors of the said Company; and the nine persons so elected shall remain in office until the then next Annual General Meeting of the Shareholders, and until others shall be elected in their stead, subject always to the provisions of this Act as to the vacation of the office of Director, and the mode of filling any vacancy.

Annual General Meetings.

X. And be it enacted, That in the month of September in each year, or on such other day in each year as may be appointed for the purpose by the By-laws of the Company, an Annual Meeting of the Shareholders of the said Company shall be held for the Election of Directors in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company; and if at any time it shall appear to any Five or more of such Shareholders, holding together or representing as proxies two thousand shares at least, on which all calls shall have been paid up, that for more effectually putting this Act in execution, a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such five or more of them to cause forty days' notice at least to be given thereof in the *Canada Gazette* and in any other paper in each of the Cities of Toronto, Kingston, Montreal and Quebec, or in such manner as shall be provided by the By-laws of the Company, specifying in such notice the time and place and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given to them, with respect to the matters specified in such notices only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than two thousand shares, shall be as valid to all intents and purposes

Special General Meetings.

purposes as if the same were done at General Meetings; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person or persons elected by the Shareholders as a Director or Directors of the said Company, to elect another or others in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

Proviso: as to filling vacancies among Directors.

XI. And be it enacted, That of the nine elective Directors three shall retire from office at the Annual Meeting of the Shareholders next after their election, and three at the annual Meeting next following; and at every Annual Meeting thereafter, those three Directors shall retire who have been longest in Office, and other Directors shall, at each Annual Meeting, be elected by the Shareholders in place of those so retiring, the order of retirement of the said first elected nine Directors being decided by lot; but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Shareholders, at such Annual General Meeting, proceed to fill up the vacancies thus occurring in the Direction.

Order of retirement of Directors.

Proviso.

XII. And be it enacted, That at any Meeting of the Directors of the said Company, Six Directors and not less, of whom not less than three shall be Government Directors, shall be a *quorum* for the transaction of business, and any majority of such *quorum* shall be competent to exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of Directors.

XIII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect: "I hereby appoint _____ of _____ Esquire, one of the Directors of the *Grand Trunk Railway Company of Canada*, to be my proxy as a Director of the said Company, and as such proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at any such meeting. A. B., Signature."

Proxies.

But no Director shall act as proxy for more than three other Directors.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be elected Directors of the said Company, shall be twenty-five Shares, of twenty-five pounds sterling each, of the Capital Stock; but any person may be appointed a Director by the Governor whether he be so qualified or not, or whether he be or be not a Shareholder.

Qualification of Directors.

Directors
may appoint
Agents.

XV. And be it enacted, That the Directors of the said Company may appoint such and so many Agents in this Province, or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws; and all things done by such Agent or Agents by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Auditors to be
appointed.

XVI. And be it enacted, That the Shareholders shall, at every such Annual General Meeting, appoint three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking.

Calls limited.

XVII. And be it enacted, That no call of money from the Shareholders shall exceed the sum of Five Pounds Sterling per Share of Twenty-five Pounds Sterling.

English rules
of Evidence to
apply in L. C.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the Laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Proceedings
when attach-
ments or
orders for *faits*
et articles are
served on the
Company.

XIX. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, in any such case, to appear in obedience to the said Writ, to make the Declaration by law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada as the Declaration of the Company; and in causes in which Interrogatories *sur faits et articles* or the *serment décisoire* may be served upon or required of the Company, the Directors shall have the power, by a Vote or Resolution, entered among the Minutes of the Proceedings of any Meeting, to authorize the President, Secretary or Treasurer to appear and answer such Interrogatories, or take or refer such *serment décisoire*; and the answers on Oath of the President, Secretary or Treasurer, so authorized, shall be held and taken
to

to be the answers on Oath of the Company to all intents and purposes as if the formalities by law required had been complied with; and the production of a copy of any such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

XX. And be it enacted, That it shall be lawful for the said Company with the consent of the Governor in Council, to take and appropriate for the use of their said Rail-way, but not to alienate, so much of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the said Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across or along which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the River, or over the Canal, and shall be subject to such Regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, and the same shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, &c.

Proviso: Navigation not to be impeded.

Further provision.

XXI. Provided always, and be it enacted, That in constructing any Bridge or Bridges for connecting the Island of Montreal with the main land in the County of Vaudreuil, the said Company shall be authorized, if they see fit, so to construct such Bridge or Bridges, as to provide for the passage of all ordinary vehicles, animals and foot passengers over the same, and shall allow all such vehicles, animals and passengers to pass over the same, on payment of such tolls as shall be fixed by the By-laws of the Company, approved by the Governor in Council, and subject to the same provisions as other By-laws of the Company fixing the tolls to be taken by them.

Bridge at Vaudreuil.

XXII. And be it enacted, That by any Regulations to be made by the Governor in Council, touching any such draw-bridge or swing-bridge as aforesaid, penalties, not exceeding Ten Pounds in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the Regulations shall have been contravened; to be recovered and applied in manner provided as to other penalties by this Act.

Penalties may be imposed for certain purposes.

XXIII.

Company may be party to Bills of Exchange, &c.

XXIII. And be it enacted, That the said Company shall have power to become a party to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds Currency, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, or by any Agent or Agents thereunto authorized, and under the authority of a majority of a *quorum* of the Directors, 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 Promissory Note or Bill of Exchange, nor shall the President, Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to the bearer thereof, or any Promissory Note intended to be circulated as Money or as the Notes of a Bank.

Proviso.

Communities may lend money to Company.

XXIV. And be it enacted, That if at any time any Municipal or other Corporation, Civil or Ecclesiastical, Body Politic, Corporate or Collegiate, or Community in this Province, shall be desirous of taking Shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the said Rail-way, by loans of money or securities for money at interest, or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act; any thing in any Ordinance or Act, or Instrument of Incorporation of any such body, or in any Law or usage to the contrary notwithstanding.

As to Lands required from Ecclesiastics of St. Sulpice.

XXV. And be it enacted, That should the said Company require to purchase from the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, any land either on the Lachine Canal or on the River Saint Lawrence, or in any other place, for the purposes of the said Rail-way, it shall be lawful for the said Ecclesiastics to sell and convey the same to the said Company, without advertizing and offering the said land for public sale, and without any other formality than is provided by this Act.

Her Majesty may take the Rail-way after a certain time, and on certain conditions.

XXVI. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the expiration of twenty-one years, from and after the first day of January next after the passing of this Act, to purchase the said Rail-way, with all its Hereditaments, Stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up
Capital

Capital Stock of the said Rail-way, estimated on the average of the seven then next preceding years : Provided that the average rate of profits for the said seven years shall not be less than the rate of ten pounds in the hundred ; and the Company, if they shall be of opinion that the said rate of twenty years purchase of the said average profits is an inadequate rate of purchase of such Rail-way, reference being had to the prospective profits thereof, may require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company ; Provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any Order in Council, reducing the tolls fixed and regulated by any By-law of the said Company, shall be in force.

XXVII. And be it enacted, That from and after the commencement of the period of seven years next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company, of all sums of money received and paid on account of the said Rail-way, and the said Company shall once in every half year, during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Rail-way, for the half year ending on the thirtieth day of June and on the thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified, under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively ; and it shall be lawful for the Governor in Council, if and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company during the said period of seven years ; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the Books, Accounts, Vouchers, and other Documents of the Company at the Principal Office or place of business of the Company, and to take Copies or Extracts therefrom.

XXVIII. Provided always, and be it enacted, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, or in the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, the Guarantee of the Province shall not be given to the Company

incorporated by this Act, or in respect of the Rail-way hereby authorized to be constructed, to an amount exceeding the sum of Three thousand Pounds sterling, for every mile in length of the said Rail-way: but provided the limits above mentioned be not exceeded, the said Guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent of Forty Thousand Pounds sterling, so soon as it shall be ascertained by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that One Hundred Thousand Pounds sterling has been actually, and with due regard to economy, expended on the said Rail-way by the said Company, in work or materials delivered on the ground or both conjointly; and whenever it shall be ascertained in like manner that another sum of One Hundred Thousand Pounds sterling has been so expended as aforesaid, then the Guarantee of the Province may be given for another sum of Forty Thousand Pounds sterling, and so on *toties quoties* until such Guarantee shall have been given to the whole extent hereby before limited: Provided always, that such Guarantee shall, except in so far as otherwise provided by this Section, be subject to all the provisions of the Act first cited in this section as amended by that secondly cited therein, and may, under the provisions of the twenty-second section of the Act last mentioned, be given by issuing and delivering to the said Company Provincial Debentures for the amount to be guaranteed, in exchange for the Bonds of the Company, to which Bonds all the provisions of the said section and of the said Acts shall apply.

Proviso.

Company may
renounce the
Guarantee.

XXIX. Provided always, and be it enacted, That the said Company may by any By-law to be passed for that purpose, and assented to and confirmed by a majority of votes of the Shareholders at a Special General Meeting thereof to be called for the purpose of considering such By-law, renounce the benefit of the guarantee mentioned in the next preceding Section; and if such By-law be so passed, assented to and confirmed, and a copy thereof duly certified be delivered to the Provincial Secretary, then the said guarantee shall not be thereafter given, and if at the time of the delivery of the copy of such By-law to the Provincial Secretary, the said guarantee shall not have been given to the said Company, the nine Directors appointed by the Governor shall go out of office, and no others shall be appointed in their stead; and if the said guarantee has been given to the said Company before a copy of such By-law shall be delivered to the Provincial Secretary, then as soon thereafter as all the Bonds or Debentures of the said Company to which the said guarantee has been given, and all Provincial Debentures delivered to the said Company in exchange for their Bonds, shall have been delivered up to the Receiver General to be cancelled, so that the Province shall be relieved from all responsibility or liability arising out of the said guarantee, then the said nine Directors shall go out of office and no

no others shall be appointed in their stead; And when the said nine Directors shall so go out of office under this Section, the nine elective Directors, and their successors in office, shall thenceforth be the sole Directors of the Company, and have and exercise all the powers hereby conferred on the Directors thereof.

C A P. XXXVIII.

An Act to provide for the incorporation of a Company to construct a Rail-way from opposite Quebec to Trois-Pistoles, and for the extension of such Rail-way to the Eastern Frontier of this Province.

[10th November, 1852.]

WHEREAS it is highly desirable that the Main Trunk Preamble.

Line of Rail-way, for the construction of which from the Western Limits of the Province to a point opposite the City of Quebec, Companies have been incorporated by Acts of the Legislature of this Province, should be continued from such point as aforesaid to the Eastern Limits of the Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any number of persons not less than eighteen shall, by Petition to the Governor of this Province, represent that they have agreed together to form a Company for the purpose of constructing the Rail-way hereinafter mentioned, and that they have agreed among themselves to take Stock in the Capital of such Company to an amount not less than one hundred thousand pounds sterling, and that they have good reason to believe and do believe that with the benefit of the guarantee of this Province, and other advantages hereinafter mentioned, they will be able to raise the necessary funds and to complete the said Railroad, then it shall be lawful for the Governor to enquire into the matter, and if he shall be satisfied that the said persons are of good standing and repute, and that they *bond fide* intend to subscribe among them at least the sum aforesaid, and that there is good reason to believe that they will raise the necessary funds and complete the said Rail-way, and that it will be for the advantage of this Province that they should be incorporated for the purpose of making the same, then it shall be lawful for him to issue a Proclamation under the Great Seal of this Province, declaring such persons, together with such others as shall, under the provisions of this Act, become proprietors of any share or shares in the Rail-way by this Act authorized to be made, their several and respective heirs, executors, administrators, curators and

The Governor may by proclamation incorporate a company, on certain conditions.

assigns,

Corporate name and powers.

Line of Rail-way described.

Rail-way to form part of the Main Trunk Line.

Certain clauses of 14 & 15 Vict. c. 51, incorporated with this Act.

Exception to provisions of the said clauses.

Further exception.

assigns, being proprietors of any share or shares in the said Rail-way, to be a body politic and corporate for all the purposes of this Act, by the name of *The Grand Trunk Rail-way Company of Canada East*; and the said Proclamation shall have effect according to the tenor thereof, and the said Company shall from the date thereof be incorporated accordingly; and the said Company shall be and they are hereby authorized and empowered from and after the issuing of the said Proclamation, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Grand Trunk Rail-way of Canada East*, from some point on the Quebec and Richmond Rail-way, opposite or nearly opposite to the City of Quebec, on the South shore of the River St. Lawrence, to Trois-Pistoles, with such branches to any point or points on the said River as they may find necessary or convenient, and the said Rail-way and branches shall be made upon such line or lines as the said Company shall, after actual survey, determine upon with the consent of the Governor in Council: and the said Rail-way (but not the branches thereof) shall form part of the Main Trunk Line of Rail-way throughout the length of this Province, and the guarantee of the Province shall be extended to the said Company accordingly, subject to the provisions hereinafter made.

II. And be it enacted, That the several clauses of *The Rail-way 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 Rail-way," and "General Provisions," shall be incorporated in this Act, with the following modification of the ninth provision in the clause of the said Act, with respect to "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken for stations, depots or fixtures at such three places on the line of the said Road as the Company may think proper, without the consent of the proprietor thereof: and with the exception of the sixth provision in the clause of the said Act with respect to "General Provisions," in lieu of which it is hereby enacted, that in the event of the Rail-way hereby authorized to be made, not being commenced within two years from the date of the Proclamation incorporating the said Company, or not being completed within six years from the date of the said Proclamation, it shall be lawful for the Governor of this Province, by Proclamation, under the Great Seal thereof, to revoke the Charter contained in this Act, and the same shall thereupon become and be null and void and of no effect whatever, in

so far as regards so much of the Rail-way hereby authorized to be made, as shall not at the date of the said Proclamation be completed and open for public use; and with the further exception of any enactments in the said clauses which may be inconsistent with the express provisions and enactments of this Act in like matters: And the expression "this Act," when used herein, shall be understood to include all the clauses of *The Rail-way Clauses Consolidation Act*, which are incorporated with this Act.

Expression
"this act"
defined.

III. And be it enacted, That the Gauge of the said Rail-way shall be five feet six inches; and the fare or charge for each First Class Passenger by any train on the said Rail-way shall not exceed two pence currency for each mile travelled, the fare or charge for each Second Class Passenger by any train on the said Rail-way shall not exceed one penny and one half penny currency for each mile travelled, and the fare or charge for each Third Class Passenger by any train on the said Rail-way shall not exceed one penny currency for each mile travelled; and that at least one train, having in it Third Class Carriages, shall run every day throughout the length of the line then open.

Gauge of Rail-
way.
Maximum
Fares for
passengers.

IV. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing of the said Rail-way, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way and other works, provided such sum do not exceed the sum of one million Pounds sterling; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty-five Pounds sterling each; and each of the persons mentioned in the Proclamation incorporating the said Company, shall be entitled to an equal number of shares in the amount of Stock above mentioned, if he shall choose to take the same, and if he shall not choose to take the same, then the shares to which he is entitled, but shall not choose to take, shall be equally divided among the others, if they choose to take them, and so on till each shall have taken the number of shares to which he may be entitled and shall choose to take, and which he shall within three months from the date of the said Proclamation, declare to the Directors hereinafter mentioned, his intention to take; and the said Directors shall issue to each of the persons aforesaid respectively, Certificates under the Common Seal of the Company, of the number of shares to which he is entitled and shall have taken, and he shall then be the legal owner of such shares, and invested with all the rights, and subject to all the liabilities of a Shareholder in respect of such shares; and if there be any surplus of shares after each of the said persons shall have received his Certificate for those to which he is entitled and shall have taken, the

Company
may raise the
necessary
Capital.

Amount of
Capital.

Value of each
share.

Allotment of
stock.

Certificate to
be issued to
Subscribers.

Acknowledgment by subscribers.

How any further amount of Capital may be raised—

Word "person" defined.

Number of Directors, and how elected and appointed.

Government Directors.

Proviso. Appointment of first Directors by the Governor.

the said Directors or their successors in office shall, on or after the day last aforesaid, dispose of and assign the same to such persons, at such times and in such manner as they shall think most for the advantage of the Company, and shall deliver Certificates as aforesaid to the persons to whom they shall be assigned, who shall thereupon become the legal owners of such shares and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares; and each person to whom any share or shares shall be assigned, shall, on receiving the Certificate therefor, sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors and shall be evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid; and if any share or shares be disposed of by the Directors at a premium, such premium shall go to the Company as part of their profits; and whenever the said Company shall determine to raise any further amount of capital, the same may be raised either by the then Shareholders of the Company among themselves, or by the admission of new Shareholders, and in such manner as shall be determined by By-laws to be passed for the purpose; and to the holders of any such additional Stock, Certificates shall be issued in the manner aforesaid by the Directors for the time being, and acknowledgments shall be signed by the persons taking such Stock, and such Certificates and acknowledgments shall have the like effect in law as those hereinbefore mentioned; and the word "person" in this Section shall include and apply to any Body Corporate or Politic, whether municipal or otherwise, or other party who may lawfully hold shares in the Stock of the said Company.

V. And be it enacted, That the number of Directors of the said Company shall be eighteen, of whom nine shall (except in the first instance as hereinafter provided) be elected by the Shareholders in the said Company, who shall have respectively paid up all calls upon the shares held by them, in the Stock of the said Company, and nine shall be appointed by the Governor of this Province, in consideration of the guarantee of the Province, to be extended to the said Company, and to represent the interest of this Province in the undertaking, and shall hold office during the pleasure of the Governor: Provided always, that the Governor may, by an Instrument under His Hand and Seal at Arms, to be issued at the same time with the Proclamation incorporating the said Company, or at any time thereafter, appoint nine of the persons so incorporated to be Directors of the said Company on behalf of the Stockholders, and the persons so appointed shall be and are hereby constituted Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute, with the nine other Directors to be appointed by the Governor on the part of the Province, the Board of Directors of the said Company, and

and shall, with them, have and exercise all the powers vested in such Board.

VI. And be it enacted, That the Capital Stock of the said Company shall be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto; and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Rail-way, and other the purposes of this Act, and to no other use, intent or purpose whatsoever.

To what purposes the Capital shall be applied.

VII. And be it enacted, That the Shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such, and shall be and are hereby vested in the said original Shareholders and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally pay thereupon; and all and every the bodies politic, corporate or collegiate or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who being such Shareholders, shall pay the sum of Twenty-five pounds sterling, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate or community, person or persons, having such property of one part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Shares to be personal property: rights and obligations of shareholders.

VIII. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be equal to the number of shares held by him or her not exceeding one hundred, and that absent Shareholders may vote by proxy.

Number of votes of shareholders.

IX. And be it enacted, That the first General Meeting of the Shareholders under this Act may be held at such time and at such place in this Province as the Directors may appoint, after not less than four thousand Shares in the Stock of the said Company shall have been taken, and certificates issued and acknowledgments

First General Meeting.

Notice. acknowledgments received by the Directors therefor, provided that public notice thereof be given during one month in the *Canada Gazette*, and in at least one other paper published in each of the Cities of Quebec, Montreal, Kingston and Toronto, respectively; and at such first General Meeting the Shareholders assembled, who have paid up all calls on the Stock held by them respectively, together with such proxies as shall be present, shall elect nine persons, being each a Shareholder of twenty-five or more shares in the said undertaking, who, with the Directors appointed by the Governor, shall be the Directors of the said Company, and the nine persons so elected shall remain in office until the then next Annual General Meeting of the Shareholders, and until others shall be elected in their stead, subject always to the provisions of this Act as to the vacation of the office of Director, and the mode of filling any vacancy.

Election of
nine Directors.

Term of office.

Annual General Meetings.

Special General Meetings how called.

Notice.

Proviso: as to filling vacancies among Directors.

X. And be it enacted, That in the month of September in each year, or at such other time in each year as may be appointed for the purpose by the By-laws of the Company, an Annual Meeting of the Shareholders of the said Company shall be held for the Election of Directors in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company; and if at any time it shall appear to any five or more of such Shareholders, holding together or representing as proxies one thousand shares at least on which all calls shall have been paid up, that for more effectually putting this Act in execution a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such five or more of them to cause forty days' notice at least to be given thereof in the *Canada Gazette* and in some other paper in each of the Cities of Quebec, Montreal, Kingston and Toronto, or in such manner as shall be provided by the By-laws of the Company, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them with respect to the matters specified in such notice only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than one thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person or persons elected by the Shareholders as a Director or Directors of the said Company, to elect another or others in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

XI. And be it enacted, That of the nine elective Directors three shall retire from office at the Annual Meeting of the Shareholders next after their election, and three at the Annual Meeting next following, and at every Annual Meeting thereafter those three Directors shall retire who have been longest in Office, and other Directors shall, at each Annual Meeting, be elected by the Shareholders in place of those so retiring, the order of retirement of the said first elected nine Directors being decided by lot; but the Directors then, or at any subsequent time retiring, shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Shareholders, at such Annual General Meeting, proceed to fill up the vacancies thus occurring in the Direction.

Retirement from office of Elective Directors.

Proviso.

XII. And be it enacted, That at any Meeting of the Directors of the said Company, six Directors, and not less, of whom not less than three shall be Government Directors, shall be a *quorum* for the transaction of business, and any majority of such *quorum* shall be competent to exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of Directors.

XIII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form, or to the like effect:

Directors may vote by proxy.

“ I hereby appoint _____ of _____, Esquire, one of the Directors of *The Grand Trunk Railway Company of Canada East*, to be my proxy as a Director of the said Company, and as such proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at any such meeting.

Form of proxy.

“ A. B., *Signature.*”

But no Director shall act as proxy for more than three other Directors.

Limitation.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be elected Directors of the said Company, shall be twenty-five shares, of twenty-five pounds sterling each, of the Capital Stock; but any person may be appointed a Director by the Governor on behalf of the Province, whether he be qualified or not, or whether he be or be not a Shareholder.

Qualification of Directors.

XV. And be it enacted, That the Directors of the said Company may appoint such and so many agents in this Province, or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do,

Directors may appoint Agents: their powers.

do, perform and exercise, except the power of making By-laws; and all things done by such agent or agents by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Three
Auditors to be
appointed.

XVI. And be it enacted, That the Shareholders shall, at every such Annual General Meeting as aforesaid, appoint three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking.

Calls limited.

XVII. And be it enacted, That no call of money from the Shareholders shall exceed the sum of five pounds sterling per share of twenty five-pounds sterling.

English Rules
of Evidence
to apply in
Lower
Canada.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Proceedings
when Attach-
ments or
orders for
faits et articles
are served on
the Company.

XIX. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, in any such case, to appear in obedience to the said Writ, to make the Declaration by law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada as the Declaration of the Company; and in causes in which Interrogatories *sur faits et articles* or the *serment décisoire* may be served upon or required of the Company, the Directors shall have the power, by a vote or resolution, entered among the minutes of the proceedings of any meeting, to authorize the President, Secretary or Treasurer to appear and answer such Interrogatories, or take or refer such *serment décisoire*; and the answers on oath of the President, Secretary or Treasurer, so authorized, shall be held and taken to be the answers on oath of the Company to all intents and purposes, as if the formalities by law required had been complied with; and the production of a copy of any such resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

XX. And be it enacted, That it shall be lawful for the said Company, with the consent of the Governor in Council, to take and appropriate for the use of their said Rail-way, but not to alienate so much of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the said Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across or along which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river, or over the canal, and shall be subject to such Regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, and the same shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, &c.

Proviso.
Navigation not to be impaired.

Further provision.

XXI. And be it enacted, That the said Company shall have power to become a party to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds currency, and any such Promissory Note, made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, or by any agent or agents thereunto authorized, and under the authority of a majority of a *quorum* of the Directors, 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 Promissory Note or Bill of Exchange, nor shall the President, Vice-President, Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to the bearer thereof, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Company may be a party to Bills of Exchange, &c.

Proviso.

XXII. And be it enacted, That if at any time any Municipal or other Corporation, Civil or Ecclesiastical, Body Politic, Corporate or Collegiate, or Community in this Province, shall be desirous of taking shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the

Communities may lend money to the Company.

the said Rail-way, by loans of money or securities for money, at interest or *à constitution de rente*, it shall be lawful for them respectively so to do, in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act; any thing in any Ordinance or Act, or Instrument of Incorporation of any such body, or in any law or usage, to the contrary notwithstanding.

Her Majesty may take the Rail-way after a certain time on certain conditions.

XXIII. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the expiration of twenty-one years, from and after the day on which the Proclamation incorporating the said Company shall bear date, to purchase the said Rail-way with all its hereditaments, Stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up Capital Stock of the said Rail-way, estimated on the average of the seven then next preceding years; Provided that the average rate of profits for the said seven years shall not be less than the rate of ten pounds in the hundred, and it shall be lawful for the Company, if they shall be of opinion that the said rate of twenty years purchase of the said average profits is an inadequate rate of purchase of such Rail-way, reference being had to the prospective profits thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; Provided also, that such option of purchase shall not be exercised except with the consent of the Company, while any Order in Council, reducing the tolls fixed and regulated by any By-law of the said Company, shall be in force.

Proviso.

Proviso.

Accounts to be kept by the Company.

XXIV. And be it enacted, That from and after the commencement of the period of seven years next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company, of all sums of money received and paid on account of the said Rail-way, and the said Company shall once in every half year, during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Rail-way, for the half year ending on the Thirtieth day of June and on the Thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified, under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively; and it shall be lawful for the Governor in Council, if, and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company during the

the said period of seven years; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers and other Documents of the Company, at the principal office or place of business of the Company, and to take copies or extracts therefrom.

XXV. Provided always, and be it enacted, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, or in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, the guarantee of the Province shall not be given to the Company incorporated by this Act, or in respect of the Rail-way hereby authorized to be constructed, to an amount exceeding the sum of three thousand pounds sterling for every mile in length of the said Rail-way; but provided the limits above mentioned be not exceeded, the said guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent of forty thousand pounds sterling, so soon as it shall be ascertained by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that one hundred thousand pounds sterling has been actually, and with due regard to economy, expended on the said Rail-way by the said Company, in work or materials delivered on the ground, or both conjointly; and whenever it shall be ascertained in like manner that another sum of one hundred thousand pounds sterling has been so expended as aforesaid, then the guarantee of the Province may be given for another sum of forty thousand pounds sterling, and so on *toties quoties* until such guarantee shall have been given to the whole extent hereby before limited: Provided always, that such guarantee shall, except in so far as otherwise provided by this Section, be subject to all the provisions of the Act first cited in this Section as amended by that secondly cited therein, and may, under the provisions of the twenty-second Section of the Act last mentioned, be given by issuing and delivering to the said Company Provincial Debentures for the amount to be guaranteed, in exchange for the Bonds of the Company, to which Bonds all the provisions of the said Section and of the said Acts shall apply.

Amount of Provincial Guarantee limited.
12 V. c. 29.

14 & 15 V. c. 73.

Guarantee may be given in a certain manner.

Proviso: s. 22, of 14 & 15 V. c. 73, cited.

XXVI. Provided always, and be it enacted, That the said Company may by any By-law to be passed for that purpose, and assented to and confirmed by a majority of votes of the Shareholders at a Special General Meeting thereof to be called for the purpose of considering such By-law, renounce the benefit of

Company may renounce the Guarantee.

Effect of such renunciation.

of the guarantee mentioned in the next preceding Section ; and if such By-law be so passed, assented to and confirmed, and a copy thereof duly certified be delivered to the Provincial Secretary, then the said guarantee shall not be thereafter given, and if at the time of the delivery of the copy of such By-law to the Provincial Secretary, the said guarantee shall not have been given to the said Company, the nine Directors appointed by the Governor on behalf of the Province shall go out of office, and no others shall be appointed in their stead ; and if the said guarantee has been given to the said Company before a copy of such By-law shall be delivered to the Provincial Secretary, then as soon thereafter as all the Bonds or Debentures of the said Company to which the said guarantee has been given, and all Provincial Debentures delivered to the said Company in exchange for their Bonds, shall have been delivered up to the Receiver General to be cancelled, so that the Province shall be relieved from all responsibility or liability arising out of the said guarantee, then the said nine Directors shall go out of office, and no others shall be appointed in their stead ; And when the said nine Directors shall so go out of office under this Section, the nine elective Directors, and their successors in office, shall thenceforth be the sole Directors of the Company, and have and exercise all the powers hereby conferred on the Directors thereof.

Retirement of Government Directors.

Company may determine to continue their Rail-way to the Eastern limits of the Province : and the Governor may then empower them to do so.

XXVII. And be it enacted, That at any time not later than three years after the date of the Proclamation incorporating the said Company, it shall be lawful for the Shareholders of the said Company to hold a Special General Meeting to be called by the Directors for the purpose of considering whether it is or is not desirable that the Company should continue the said Rail-way from some point on the line hereinbefore mentioned to the Eastern Limits of the Province, and if three fourths of the votes of the Shareholders present at such Meeting duly qualified to vote at Elections of Directors, shall be given in favor of so continuing the said Rail-way, then the Directors shall within three months after such Special Meeting represent the fact to the Governor of this Province, by a Petition praying him to authorize the said Company to continue the same accordingly, and it shall then be lawful for the Governor by Proclamation under the Great Seal of the Province, to authorize the said Company to continue the said Rail-way as aforesaid, and after the issue of such Proclamation, the said Company shall have full power and authority to continue the said Rail-way accordingly, upon such line as they shall after actual survey deem most advantageous, provided such line be first approved by the Governor in Council : and all the enactments and provisions of this Act shall apply to the continuation of the said Rail-way under this section, as fully and effectually as to that portion thereof mentioned in the preceding sections of this Act, and as if such continuation had formed part of the line mentioned in the first section of this Act, except that the said Company

This Act to apply to such continuation.

Company shall have the right of taking lands to the extent of twenty acres for stations, depots and fixtures, at one place only on the line of the said continuation ; And provided always, that if the said continuation shall not be commenced within one year from the date of the Proclamation last aforesaid, then the right of the Company to make the same and all their rights under this section shall cease and determine, and if the said continuation shall not be completed within five years from the date of the said Proclamation, then it shall be lawful for the Governor in Council by Proclamation under the Great Seal of the Province, to revoke the rights given by the Proclamation first mentioned in this section, and the same shall thereupon cease and determine in so far as regards so much of the said continuation as shall not then be completed and open for public use.

Proviso :
continuation
to be begun
and completed
by a certain
time.

XXVIII. And be it enacted, That so soon as a Proclamation shall have issued under the next preceding section authorizing the said Company to continue their Rail-way as therein mentioned, it shall be lawful for the said Company to increase their Capital Stock by an amount not exceeding one million pounds sterling, either by subscription among themselves or by the admission of new Shareholders, or both, and in such manner as shall be determined by any By-law or By-laws to be passed for the purpose.

*Increase of
Capital
allowed.*

XXIX. Provided always, and be it enacted, That the guarantee of the Province shall not extend to the continuation of the said Rail-road mentioned in the two next preceding sections, although such continuation will form part of the main Trunk Line of Rail-way throughout the length of this Province, but instead thereof, it shall be lawful for the Governor to make a free grant to the said Company, so soon as the said continuation shall be completed, of a quantity of the ungranted lands of the Crown, lying within the Counties of Rimouski and Bonaventure, not exceeding one million of acres, and a proportionate quantity whenever any portion of the same shall be completed, and such land so granted shall be at the absolute disposal of the said Company, who shall have full power to manage and to sell and dispose of the same, on such terms and in such manner as they shall deem most for their advantage, and the proceeds thereof shall form part of the profits of the Company.

*Guarantee not
to be given for
such continu-
ation ; but one
million of
acres of land
may be grant-
ed to the Com-
pany.*

XXX. And be it enacted, That if the Directors of the said Company, shall at any time (as they are hereby empowered to do) renounce in the name of the Company the right to continue their Rail-way as aforesaid, or if the proposal to continue the same be not concurred in by three fourths of the Shareholders at the Meeting called to consider the same, or if such Meeting be not held within the period limited for that purpose by the twenty-seventh section of this Act, or if the continuation be not completed,

*If the Com-
pany renounce
their right to
make such
continuation,
or fail to use
it within a
certain time,
another Com-
pany may be*

completed,

incorporated
for the pur-
pose.

Provisions of
this Act ex-
tended to such
Company.

Proviso.

completed within the period limited for that purpose by the said twenty-seventh section of this Act, or if after part of such continuation has been completed the powers of the Company as regards the remainder thereof be revoked in the manner provided by the said section, then, in any of the said cases it shall be lawful for any number of persons not less than eighteen, and having agreed among themselves to subscribe not less than one tenth of the sum which shall be necessary for making such continuation or such part thereof as shall then remain to be made, to petition the Governor of this Province to be incorporated for the purpose of making such continuation, or such part thereof as shall then remain to be made, and all the provisions of the first section of this Act, except so much thereof as describes the line of Rail-way to be made by the Company incorporated under the same, and all the provisions of this Act, except such as are declared not to be applicable to the said continuation, or which fix the amount of Capital of the Company first mentioned, or which provide for the granting of the Guarantee of the Province to such Company, or which are plainly inapplicable to the said continuation, or to any Company to be incorporated solely for making the same, shall be and the said enactments and provisions are (with the exceptions aforesaid) extended to the Company to be incorporated under the provisions of this section for the purpose of making the said continuation or any part thereof, and shall apply to such Company as fully and effectually as to the Company first mentioned in this Act : Provided always, that the Capital of the Company to be incorporated under the provisions of this section, shall not exceed one million pounds sterling, if they are to make the whole of the said continuation, nor a sum bearing the same proportion to the said sum as the whole length of the said continuation shall bear to that of the portion thereof to be made by them, if they are only to make a part thereof, and the amount of such Capital shall be fixed by the Proclamation incorporating the Company ; and the first General Meeting of the Stockholders shall be held whenever one fifth of the Capital Stock of the Company shall have been taken and Certificates issued and acknowledgments received therefor ; and the said Company shall be entitled to a proportionate part of the said Land hereinbefore mentioned ; but if they make the whole of the said continuation, then they shall have the whole of the said Land : and the corporate name of the said Company shall be *The Grand Trunk Rail-way Extension Company*.

The Legisla-
ture will
make any fur-
ther provi-
sions requisite
for giving
effect to this
act.

Public Act.

XXXI. And be it declared and enacted, That the Legislature of this Province will make such further provisions as may be necessary to give full effect to this Act, according to its true intent and spirit.

XXXII. And be it enacted, That this Act shall be a Public Act.

C A P. X X X I X.

An Act to empower any Rail-way Company whose Rail-way forms part of the Main Trunk Line of Rail-way throughout this Province, to unite with any other such Company or to purchase the property and rights of any such Company; and to repeal certain Acts therein mentioned incorporating Rail-way Companies.

[10th November, 1852.]

WHEREAS it would be to the advantage of this Province, Preamble.

that the Main Trunk Rail-way throughout the whole length thereof should be under the management and control of one Company, or of as small a number of different Companies as may be practicable: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any two or more of the Companies formed or to be hereafter formed, for the purpose of constructing any Rail-way, which shall form part of the Main Trunk Line of Rail-way contemplated by the Legislature in passing the Act of the now last Session of the Provincial Parliament, intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, to unite together as one Company, or for any one of such Companies to purchase and acquire the property and rights of any one or more of such Companies: And the provisions of this Act shall apply to and include the St. Lawrence and Atlantic Rail-road Company, and the whole of the Rail-way which that Company are empowered to construct, and shall also apply to and include any Company which may have been formed by the Union of any two or more Companies under this Act.

Power to unite with or purchase the rights of another company.

14 & 15 V. c. 73.

Act to apply to certain companies.

II. And be it enacted, That it shall be lawful for the Directors of any such Company as aforesaid, to agree with the Directors of any other such Company or Companies, that the Companies they respectively represent shall be united as one Company, or that one of such Companies shall purchase and acquire the property and rights, and take upon itself all the liabilities of the other or others; and by such agreement to fix the terms upon which such union or such purchase shall take place, the rights which the Shareholders of each Company shall possess after such union or purchase, the number of Directors of the Company after any such union and who shall be such Directors until the then next Election, the period at which such

Directors of two or more companies may agree on terms of such union or purchase.

such next Election shall be held, the number of votes which the Shareholders of either Company shall respectively have thereat, and the Corporate name of the Company after any such union, the time when the agreement shall take effect, the By-laws which shall apply to the united Company, and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said Companies respectively and of the Shareholders thereof, after any such union or purchase, and the mode in which the business of the Company shall be managed and conducted after any such union.

Special general meeting to be called to ratify or disallow such agreement.

III. And be it enacted, That whenever any such agreement shall have been made as aforesaid, the Directors of each of the Companies which it is to affect, shall call a Special General Meeting of the Shareholders of the Company they represent, in the manner provided by law for calling such General Meetings, stating particularly that such Meeting is called for the purpose of considering the said Agreement, and of ratifying or disallowing the same; and if at such Meeting of the Shareholders of each of the Companies concerned, respectively, three fourths or more of the votes of the Shareholders attending the same, either in person or by proxy, be given for ratifying the said Agreement, then the same shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were enacted in an Act of the Legislature of this Province; and if less than three fourths of the votes of the Shareholders present at such Meeting, in person or by proxy, be given in favor of ratifying such Agreement, then the same shall be void and of no effect, and no other Meeting shall be called to consider any Agreement for a like purpose within six months thereafter: Provided always, that the First Meeting of the Shareholders of any Company for considering any such Agreement shall be held within three months of the time when the same shall be made by the Directors thereof, and not afterwards.

Proviso.

Effect of ratification of an agreement for a union.

IV. And be it enacted, That from and after the time when any such ratified agreement for the union of two or more Companies shall take effect, the Companies intended to be united shall become one Company and one Corporation by the Corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the respective Companies, parties to such agreement, and shall be held to be the same Corporation with each of them, so that any right or claim which could be enforced by or against either of them, may after such union, be enforced by or against the Company formed by their Union, and any suit, action or proceeding pending at the time of such Union by or against either of such Companies, may be continued and completed by or against the Company formed by their Union, by the corporate name assigned

assigned to it by the Agreement: Provided always, that the rights of the Province or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands and buildings, tolls, revenues or other property, real or personal, of either of such Companies, or upon any part thereof, shall not be impaired by such Union, and the Company shall keep separate accounts with respect to each Rail-way, so as to ascertain the property or moneys upon which any such hypothec or privilege may attach.

Proviso.

V. And be it enacted, That from and after the time when any such ratified Agreement for the purchase by one such Company as aforesaid, of the Rail-way, property and rights of another such Company shall take effect, such Rail-way, property and rights shall become vested in and shall be exercised by the Company purchasing the same, by the corporate name assigned to it in such Agreement, and such last mentioned Company shall be responsible for all the liabilities of the Company whose Rail-way, property and rights shall have been transferred to them, and shall be held to be the same Corporation with it, so that any right or claim which could be enforced by or against either Company, may, after such purchase, be enforced by or against the purchasing Company, and any suit, action or proceeding pending at the time such Agreement shall take effect, by or against either Company, may be continued and completed by or against the purchasing Company, by the name assigned to it in such Agreement: Provided always, that the rights of the Province, or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands, buildings, tolls or other property of either of such Companies, or upon any part thereof, shall not be impaired by such purchase, and the Company shall keep separate accounts with respect to each Rail-way, so as to ascertain the property or moneys upon which any such hypothec or privilege shall attach.

Effect of ratification of an agreement for purchase.

Proviso.

VI. Provided always, and be it enacted, That the Company whose property and rights shall have been so purchased, shall continue to have a Corporate existence for the sole purpose of doing such things, and such things only as shall be necessary for the purpose of giving full effect to the ratified Agreement, and to the rights of its Shareholders or others under the same, and so long as there shall remain any thing to be done for that purpose, Directors may be elected for the said Company, and may exercise their powers for such purposes as aforesaid only.

Company selling, to remain a corporation for certain purposes only.

VII. And be it enacted, That the rights and obligations of the Company formed by any such Union, or having purchased the Rail-way property and rights of another Company, shall as
S*

Rights of the company after such purchase

regards

or union in matters affecting third parties.

regards lands, fences, roads, bridges, tolls and other matters in which others than the Members and Officers of the Company are concerned, be governed by the provisions regulating such matters in the Act or Acts passed with reference to the Railway to which such right or obligations may relate, saving always the right of the Directors, to modify any such Tolls by By-laws to be passed in the manner and subject to the provisions of such Act or Acts, or to make, amend or repeal By-laws on any matter for which By-laws may be made, amended or repealed under such Act or Acts.

Capital of united companies.

VIII. And be it enacted, That in the case of any such Union as aforesaid, the Capital of the Company formed thereby, shall be equal to the combined Capitals of the Companies united, and they may raise by Loan or otherwise, any sum not exceeding the total amount which such Companies might raise : And in the case of the purchase by one Company of the property and rights of another Company, the purchasing Company shall have full power to increase their Capital by such sum as may be required to pay the purchase money agreed upon, and may raise the sum required for the said purpose, either among themselves, or by the admission of new Subscribers, in such manner as shall be provided by By-laws to be passed for the purpose, or may raise such sum or any part thereof by loan, and may issue Debentures for the amount so borrowed in the manner and form provided, with regard to other Debentures issued by such Company, by their Act of Incorporation, or any Act amending the same, except that such Debentures may be made to bear any rate of interest not exceeding seven per cent per annum.

Increase of capital of company purchasing.

Further provision may be made for giving effect to such agreement.

IX. And be it declared and enacted, That the Legislature of this Province will make any further legislative provision which may be required for the purpose of giving full effect to this Act and to any Agreement made under it, and ratified as aforesaid, according to the true intent and purport thereof, notwithstanding any merely technical or formal objection thereto.

Recital.

X. And whereas the several parties who have subscribed for Stock in *The Montreal and Kingston Railway Company*, and in *The Kingston and Toronto Railway Company*, and have incurred certain preliminary expenses for surveys and otherwise, with a view to the organization of the said Companies, have respectively expressed their willingness that the Acts providing for their incorporation should be repealed on condition that *The Grand Trunk Railway Company of Canada*, incorporated by an Act of this Session, should repay them the expenses so incurred; Be it therefore enacted, that the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to incorporate the Montreal and Kingston Railway Company*, and the Act passed in the same Session, and intituled, *An Act to incorporate the*

Acts 14 & 15 V. c. 143, and 14 & 15 V. c. 146 repealed.

the *Kingston and Toronto Rail-way Company*, shall be and the said Acts are hereby repealed ; Provided always, that the said Grand Trunk Rail-way Company of Canada, shall repay to the persons hereinbefore referred to, the sums by them expended in the preliminary expenses aforesaid.

C A P. X L.

An Act to incorporate *The Cobourg and Peterborough Rail-way Company.*

[10th November, 1852.]

WHEREAS the construction of a Rail-way connecting the Town of Peterborough, its extensive water power and surrounding country, with the Port of Cobourg, must conduce greatly to the welfare of the inhabitants residing therein ; And whereas Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward J. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, have prayed to be incorporated with the powers requisite for making and maintaining such Rail-way : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward S. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body Corporate and Politic, in fact, by and under the name and style of *The Cobourg and Peterborough Rail-way Company*.

Preamble.

Certain persons, &c., incorporated.

Corporate name.

Certain clauses of 14 & 15 Vic., c. 51, incorporated with this Act.

What Line of Rail-way the Company may construct.

Form of deeds to Company.

Registration of such deeds.

Capital Stock: Number and value of shares.

Application of such Capital.

Proviso.

II. And be it enacted, That the several Clauses of the *Rail-way Clauses Consolidation Act*, passed during the last Session of the now last Parliament, 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 Rail-way," and "General Provisions," shall be incorporated with this Act.

III. And be it enacted, That the said Company, and their servants or agents, shall have full power, under this Act, to lay out, construct, make and finish a double or single Iron Rail-way or Road at their own costs and charges, on and over any part of the County, and across Rice Lake, lying between the Towns of Cobourg and Peterborough, to Peterborough, or to intersect any road leading from Peterborough Eastward.

IV. And be it enacted, That deeds and conveyances under this Act, 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 conveyances will admit, be made in the form given in the Schedule to this Act marked A; And all Registers are hereby required to enter in their registry book such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the said deed; and the said Company are to pay to the said Register for so doing, the sum of two shillings and six pence, and no more.

V. And be it enacted, That the Capital Stock of the Company shall be one hundred thousand pounds currency, to be divided into ten thousand shares of ten pounds each, which amount shall be raised by the persons and parties above named, or some of them, together with such other persons and Corporations as may become Subscribers towards such stock; And the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates of the said Road and connected with the said Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatsoever; Provided always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion of

of such Rail-way preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the Town of Cobourg, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of Cobourg, ten days' public notice thereof being given, by being published in the newspapers of the said Town of Cobourg, at which said General Meeting, the Shareholders present, having paid ten per cent on their Stock subscribed, shall either by person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors as provided by the *Rail-way Clauses Consolidation Act*, shall hold office until the first Monday in February following; Provided, that the Heads of Municipalities subscribing for Stock may vote on such Stock at the said first Meeting, or in their absence, such persons as may be duly authorized under the Seal of the Municipality for the purpose; and such Municipalities so voting, shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders.

First General Meeting.

Election of Directors.

Proviso.

VII. And be it enacted, That on the first Monday in February, in each year, at Cobourg, at the office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed; and public notice of such annual election shall be published one month before the day of the election in the *Canada Gazette*, and also once fifteen days before the election in one newspaper in each Town upon the line of said Road; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made, and if a vacancy shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors, with the said *ex officio* Directors shall form the Board of Directors.

Annual General Meeting : Election of Directors, &c. Notice there-to.

Mode of Election.

Vacancies, how filled.

VIII. And be it enacted, That five Directors shall form a quorum for the transaction of business; Provided that the Directors may employ one or more of their number as paid Director or Directors.

Quorum of Directors.

Proviso.

IX. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of one hundred pounds, who shall have paid up all calls on such Stock.

Qualification of Directors.

Calls to be made by Directors.

X. And be it enacted, That it shall and may be lawful for the Directors, at any time, to call upon the Shareholders for the second and all subsequent instalments upon each share which they or any of them may subscribe for, payable by such instalments, and at such times, and in such proportion as the Directors of the said Company may see fit, so as no such instalment shall exceed ten per cent.

Proportion of votes to Shares.

Proviso.

XI. And be it enacted, That each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he shall have in his name two weeks prior to the time of voting; Provided that no one Shareholder as aforesaid, shall have more than five hundred votes, and that Municipalities shall have one hundred votes for every five thousand pounds they shall subscribe.

Company may become parties to Promissory Notes, &c.

They need not be under Seal.

Proviso :
Company not to issue notes payable to bearer, &c.

Company may unite with other Companies.

XII. And be it enacted, That the said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of Directors shall be binding upon the said Company, and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed as the case may be, until the contrary be shown: and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President or Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be hereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a Bank.

XIII. And be it enacted, That it shall be lawful for the Directors (if authorized by any general meeting of the Shareholders to be called for the purpose) to enter into, and make any arrangement with the Directors of any Rail-way Company, now or hereafter to be chartered in any part of this Province for the union, junction and amalgamation of the said Company with any other Rail-way Company, or for the purchase of the Rail-way of such other Company, by mutual agreement with such Company: And the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controled and managed as such independently of all other increase of stock authorized by this Act.

XIV. And be it enacted, That the gauge of the said Rail-
way shall not be broader or narrower than five feet six inches. Gauge.

XV. And be it enacted, That it shall and may be lawful for
the said Company to take and appropriate for the use of the
said Rail-way, so much of the land covered with the waters of
the Otonabee and Rice Lake, and of any stream, or of their
respective beds, as may be found necessary for the making,
completing, or more completely using the same ; and thereon
to erect any wharves, quays, inclined planes, cranes, and other
works as to the Company shall seem meet : And if the said
Rail-way shall be carried across the Rice Lake or Otonabee
River, the said Company shall leave such openings between
the piers of their bridge, or viaduct over the same, and shall
construct such draw, swing or other bridges over the channel
of the said River or of Rice Lake, and shall be subject to such
regulations with regard to the opening of such draw, swing or
other bridges for the passage of vessels, steamboats and rafts,
as the Governor in Council shall direct and make from time
to time ; nor shall it be lawful for the said Company to con-
struct any wharf, bridge or pier, or other work upon the public
beach of the said Rice Lake or Otonabee River, or upon the
land covered with the waters thereof, until they shall have
submitted the plans of such work to the Governor in Council,
nor until the same shall have been approved by him in Council
as aforesaid, nor shall it be lawful for the said Company to
construct any bridge across the said lake without the consent
of the Governor in Council. Company may take lands covered with water, for their works. Provisions for preventing obstruction to navigation, &c.

XVI. And be it enacted, That by any regulations to be
made by the Governor in Council touching any such draw
bridge, swing or other bridges as aforesaid, penalties not ex-
ceeding ten pounds in any case, may be imposed for the con-
travention thereof, and such penalties shall be recoverable
from the said Company, or from any of their officers or servants
by whom the regulations shall have been contravened. Governor in Council may impose penalties by regulations as to Bridges.

XVII. Provided always, and be it enacted, That the said
Company shall have full power and authority to take, without
the consent of the owner but subject to the provisions of the
said Rail-way Clauses Consolidation Act, such quantity or
extent of land for their Depot and other works, at the Town of
Cobourg, as they may find requisite for the same, not exceeding
ten acres, and such quantity or extent of land not exceeding
ten acres as they may find requisite, for any Depot and works
which they may construct at Rice Lake, and at the Town of
Peterborough, or in the Township of Otonabee within one
mile of the said Town, any limitation in the tenth section of
the said Act headed, "Plans and Surveys," to the contrary
notwithstanding ; and the limitation in the said section, of the
quantity of land to be so taken, shall apply only to lands taken
by the said Company, at places other than those above men-
tioned. Company may take land for Depot.

SCHEDULE A.

Form of deed. Know all men by these Presents that I _____ of _____ do hereby in consideration of _____ paid to me by the *Cobourg and Peterborough Rail-way Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Cobourg and Peterborough Rail-way Company*, their successors and assigns for ever, all that certain parcel or tract of land situate _____ the same having been selected and laid out by the said *Company* for the purpose of their *Rail-way*, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto to the said *Cobourg and Peterborough Rail-way Company*, their successors and assigns for ever.

Witness my Hand and Seal, this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in presence of _____

C A P. X L I.

An Act to amend the Act incorporating *The Toronto and Guelph Rail-way Company.*

[10th November, 1852.]

Preamble.

14 & 15 V. c.
148.

WHEREAS since the passing of an Act in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto and Guelph Rail-way Company*, the Mayor, Aldermen and Commonalty of the City of Toronto, have, in pursuance of the provisions of the *Rail-way Clauses Consolidation Act*, subscribed for Stock in the said *Toronto and Guelph Rail-way Company*; And whereas the Municipal Corporations of the Town and Township of Guelph, and of the Township of Chinguacousy, have in like manner respectively subscribed for Stock in the said *Company*, and the calls hitherto made by the said *Company*, in respect of the shares subscribed for by the said Municipal Corporations have been paid in Debentures of the said Corporations respectively; And whereas shares exceeding the sum of one hundred and fifty thousand pounds, as prescribed by the seventh Clause of the Act to incorporate the said *Rail-way*, have been taken and ten pounds per cent thereon hath been paid in; And whereas by the third Clause of the said Act incorporating the said *Toronto and Guelph Rail-way Company*, the Capital Stock of the said *Company* is expressed to be limited to the sum of two hundred and fifty thousand pounds of Provincial currency, and doubts have been raised whether the said Clause does not limit the powers contained in the said *Rail-way Clauses Consolidation Act*, for increasing the capital of the said *Company*; And whereas the said sum of two hundred and fifty thousand pounds has been found to be

be insufficient for the proper and efficient construction of the Rail-way by the said Act authorized to be constructed, and it is desired to increase the same to the sum of three hundred and twenty-five thousand pounds, like currency, with such powers to increase the same as are contained in the said Rail-way Clauses Consolidation Act ; And whereas the said *Toronto and Guelph Rail-way Company*, have executed under their corporate seal, bonds to the amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, payable to bearer, which bonds are secured by a Mortgage Deed bearing date the thirtieth day of June, one thousand eight hundred and fifty-two, executed under the corporate seal of the said Company, whereby the said intended Rail-way and all the works of the said Company, together with all stations, buildings, carriages, engines and other property attached or to be attached to or belonging to the said Rail-way, and all the Revenues and Tolls to be derived from the said works, are mortgaged and pledged to the Canada Company, in trust as a security for the payment of the said entire sum of two hundred and seventy-five thousand pounds sterling, on the first day of July, one thousand eight hundred and seventy-three, and for the payment of the half yearly interest thereon at the rate of six pounds per centum per annum in the meantime, and whereby the Municipal debentures which have already been and which hereafter shall be issued for the Stock already subscribed, and which hereafter shall be subscribed by Municipal Corporations of the Province of Canada, under the provisions of the Rail-way Clauses Consolidation Act are also mortgaged and pledged to the said Canada Company, in trust as a collateral security for the due payment of the principal and interest on the said bonds ; And whereas doubts have arisen whether the said third Clause of the said Act incorporating the said *Toronto and Guelph Rail-way Company* does not limit and restrict the powers contained in the Rail-way Clauses Consolidation Act, of borrowing money, and other doubts have arisen as to the validity, negotiability and security of the said bonds, and the validity of the said mortgage ; And whereas it is expedient to remove such doubts, and to affirm the validity, negotiability and security of the said bonds of the said Company so as aforesaid executed to the amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, and of any further bonds which may be executed by the said Rail-way Company, to an aggregate amount (with the said sum of two hundred and seventy-five thousand pounds) not exceeding the amount of capital for the time being, authorized to be raised by the said Company, and the validity of the said mortgage and of any mortgage or mortgages to be hereafter executed as a security for any moneys to be borrowed by the said Company, within the limit of their prescribed capital for the time being ; And whereas the said *Toronto and Guelph Rail-way Company* have by their petition prayed that the said Act incorporating the said *Toronto and Guelph Rail-way Company* may

may be amended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of the said Company shall be, and is hereby declared to be the sum of three hundred and twenty-five thousand pounds, Provincial currency, divided into sixty-five thousand shares of five pounds each, and that the said Capital Stock may, if necessary, from time to time be increased in the manner provided for by the Rail-way Clauses Consolidation Act.

Amount of capital stock of the Company: into what shares divided.

Certain bonds mentioned in the preamble declared valid.

II. And be it enacted and declared, That the said bonds of the said *Toronto and Guelph Rail-way Company* so as aforesaid executed to the said amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, and the said mortgage for securing the same are, and shall continue to be, and subsist as good and valid and obligatory upon the said *Toronto and Guelph Rail-way Company* according to the tenor and purport thereof respectively, and that all bonds, debentures or other securities of the said Rail-way Company, may be made payable to bearer, and that the said bonds which have been so executed, as aforesaid, and all future bonds, debentures and other securities of the said Rail-way Company, and all dividends or interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Bondholders, &c., to have no preference one over the other.

III. And be it enacted and declared, That the respective *bonâ fide* Bondholders and Mortgagees of the said Rail-way Company, as well under any bonds, debentures, mortgages or other special securities to be hereafter lawfully executed by the said Rail-way Company within the limit of their Capital for the time being prescribed, as under the said bonds already executed, shall be entitled one with another to their respective proportions of the Tolls and other property of the said Rail-way Company, according to the respective sums in such securities mentioned, and to be repaid the principal and interest moneys thereby secured, without any preference one above another by reason of priority of the date of any such security or of the resolution by which the same was authorized or otherwise howsoever; provided that this enactment shall not operate either to accelerate or to delay the right of the holder of any such security to demand and enforce payment of the principal moneys thereby secured on the day or respective days therein mentioned for payment thereof.

Except as to time of payment.

IV. And be it enacted and declared, That if any interest or principal due on any such security as aforesaid, be not paid by the said Rail-way Company on the day, and at the place appointed for payment thereof, and if the Canada Company shall neglect for sixty days after notice in writing by the holder of any such security, to enter into possession of the said Rail-way, or appoint a Receiver of the Rates and Tolls and other profits of the said Rail-way and works, under and by virtue of the aforesaid mortgage, then in such case the holder of such security (without prejudice to his right to sue for the interest or principal so in arrear, in any of the Superior Courts of Law or Equity) may if his debt amount to the sum of five thousand pounds alone, or if his debt do not amount to the sum of five thousand pounds, may in conjunction with other creditors of the said Rail-way Company holding any such securities as aforesaid, whose debts on such securities being so in arrear after such demand as aforesaid, shall, together with his amount to the sum of five thousand pounds, require the appointment of a Receiver by an application to be made to the Court of Chancery at Toronto, in a summary manner without suit, and on any such application, it shall be lawful for such Court, after hearing the parties, or giving them an opportunity to be heard, to appoint some person to receive the whole or a competent part of the Tolls or sums liable to the payment of such interest, or principal and interest, until the same, together with all costs, including the charges of receiving the Tolls or sums aforesaid, shall be fully paid; and upon such appointment being made, all such Tolls and sums of money as aforesaid, shall be paid to, and received by the person so to be appointed, and the moneys so to be received shall be so much money received by or to the use of the party or parties to whom such interest or principal and interest shall be then due, and on whose behalf such Receiver shall be appointed, and after such interest or principal and interest and costs shall have been so received, the power of such Receiver shall cease; Provided always, that during the possession of any such Receiver, it shall be lawful for the said Court of Chancery from time to time, on the application of any creditor or creditors of the said Rail-way Company under any such security as aforesaid, whose interest or principal, or both shall be in arrear, by order to direct that such last mentioned creditor or creditors shall be entitled to the benefit of such Receivership from the time of the service of the same order on such Receiver, and upon such order being so made, and served on such Receiver, the creditor or creditors mentioned therein, shall thenceforth be entitled to the benefit of such Receivership, in the same manner as if he or they had joined in the original application for the appointment of the Receiver.

Receiver's rates and tolls may be appointed in certain cases.

And at whose instance.

His powers and duties.

Proviso: Chancery may extend the benefit of the receivership to other creditors.

V. Provided always, and it is hereby enacted and declared, That every appointment of a Receiver to be made as aforesaid, and also every mortgage or other specific lien or charge on all or any part of the present or future property, tolls or credits of the

Appointment of Receiver not to interfere with the rights of the the

Canada Com-
pany.

the said Rail-way Company shall be subject to the right of the said Canada Company under the said Mortgage Deed to enter upon, take possession of, or otherwise deal with the property included in or charged by the said Mortgage, or expressed or intended so to be, and if the said Canada Company shall think fit to have a Receiver of the tolls and profits of the said undertaking appointed on their behalf, as such Mortgagees, the said Canada Company may apply to the Court of Chancery, and procure the dismissal of any Receiver appointed by the said Court as aforesaid, in a summary manner and without suit; Provided nevertheless, that the said Mortgage Security to the said Canada Company shall be held and enforced by the said Canada Company, in trust for the benefit not only of the said Bondholders, to the amount of two hundred and seventy-five thousand pounds sterling, but also of the holders of all other bonds, debentures or securities of the said Rail-way Company, which shall be lawfully issued by the said Rail-way Company, and shall be expressed to be issued or made on the security of the said Mortgage, rateably and in proportion to the sums which for the time being shall have become actually due and payable thereon for interest or principal, or both.

Proviso.

Sect. 3 of the said Act, does not limit the rights conferred by clauses of 14 & 15 V. c. 51, incorporated with it.

VI. And be it declared and enacted, That the third Clause of the *Toronto and Guelph Rail-way Act* of one thousand eight hundred and fifty-one, or any thing in that Clause or in this Act expressed, does not in any respect take away, lessen, restrict, prejudice, or otherwise affect any of the powers, authorities, indemnities, rights and privileges which are granted and conferred by and may be had, exercised and enjoyed by virtue of the incorporation with that Act, of such of the Clauses of the Rail-way Clauses Consolidation Act, as in and by the Fourth Clause of the *Toronto and Guelph Rail-way Act*, of one thousand eight hundred and fifty-one, are expressed to be and are incorporated with that Act.

Six Directors to retire yearly, &c.

VII. And be it enacted and declared, That at the next annual general meeting of the said Company, and at every annual general meeting thereafter, six of the thirteen elected Directors of the said Company shall annually retire in rotation, the selection of the first six to retire being decided by lot, or in such other manner as shall be provided by the Directors of the said Company by rule or regulation in that behalf to be passed, but the Directors so from time to time retiring shall be eligible for re-election; and all votes hereafter to be given at annual or general or special meetings of Proprietors in respect of the stock subscribed, or hereafter to be subscribed, by Municipal Corporations, shall be given by the Mayor or Reeve of such Municipal Corporations respectively, under and subject to such resolutions as shall from time to time in that behalf be made by such Municipal Corporations respectively.

VIII. And be it enacted, That it shall and may be lawful for the Directors of the said Company for the time being, to issue shares for stock to be subscribed in England, or elsewhere, in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England, or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and to regulate from time to time the number of votes which the holders for the time being of such shares to be issued in England, or elsewhere, shall have respectively, relatively to the amount of stock held by the respective Proprietors for the time being of such shares to be issued in England, or elsewhere, and in the proportion which the amount of a share issued in Canada shall bear to the amount of a share issued in England, or as near as possible thereto as the difference between currency and sterling will permit, and from time to time to appoint agents of the said Company in England, or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England, or elsewhere, and as to the mode, time and place or places of transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial for giving full effect to the power hereby vested in the Directors of the said Company, in respect of issuing such shares in England or elsewhere.

Directors may issue shares to be subscribed for in England or elsewhere.

They may appoint agents.

IX. And be it enacted and declared, That all calls upon the Capital Stock of the *Toronto and Guelph Rail-way Company*, already made, or which hereafter shall be made, the amount of which respectively has been prescribed, or which hereafter shall be prescribed by any By-law passed or to be passed at a general meeting of the Shareholders of the said Company, and of which due notice shall have been given in accordance with the provisions of the Rail-way Clauses Consolidation Act, shall be, and the same are hereby declared to be good and valid calls, in the same manner as if the maximum limit of the amount of such calls respectively had been prescribed in the said Act, intituled, *An Act to incorporate the Toronto and Guelph Rail-way Company*, or in this Act.

Certain calls on stock of Company declared valid.

X. And be it enacted, That this Act shall be construed as if the same formed part of the said Act, intituled, *An Act to incorporate the Toronto and Guelph Rail-way Company*, and that the several Clauses of the Rail-way Clauses Consolidation Act, mentioned in the fourth Clause of the said Act to incorporate the *Toronto and Guelph Rail-way Company*, shall be, and the same are hereby declared to be incorporated with this Act, and that in reciting for any purpose the said Act to incorporate the

How this Act shall be construed.

Short title. the *Toronto and Guelph Rail-way Company*, it shall be sufficient to use the expression, *The Toronto and Guelph Rail-way Company Act*. And in reciting this Act, it shall be sufficient to use the expression, *The Toronto and Guelph Rail-way Amendment Act of 1852*.

Company may extend their Rail-way to Port Sarnia.

Increase of capital for such purpose.

Powers to apply to such extension.

XI. And be it enacted and declared, That it shall and may be lawful for the said *Toronto and Guelph Rail-way Company* to extend their said Rail-way from the Town of Guelph, and to construct a single, double, or other line of Rail-way, westerly from the said Town of Guelph through the Village of Stratford, and to the waters of the River St. Clair at the Port of Sarnia, and to make and erect all necessary erections, works and buildings for the proper use and enjoyment of such extension, and for that purpose to raise in such manner by loan, subscription of stock, issuing of shares, or otherwise, as to the Directors of the said Company for the time being shall seem fit, a further sum of one million Pounds, Provincial currency, or such further amount of Capital as shall from time to time be deemed to be necessary for the proper and efficient construction, maintenance and working of such extension; and that all Clauses of the Rail-way Clauses Consolidation Act which are incorporated with, or made part of the said Act incorporating the *Toronto and Guelph Rail-way Company*, and which are incorporated with or made part of this Act for the purpose of or in relation to the said Rail-way from the City of Toronto to the Town of Guelph, shall be, and the same are hereby declared to be incorporated with this Act for the purpose of constructing, maintaining and working the extension by this Clause authorized to be constructed westerly as aforesaid from the Town of Guelph, and that all the powers, authorities, indemnities, rights and privileges which from and after the passing of this Act shall and may be had, exercised and enjoyed by the said *Toronto and Guelph Rail-way Company*, and the Directors thereof respectively, in respect of the Rail-way authorized to be constructed by the said Company from the City of Toronto to the Town of Guelph, shall be had, held exercised and enjoyed by the said Company, and by the Directors thereof respectively, for the better and more effectual constructing, maintaining and working the extension by this Clause authorized to be constructed westerly from the said Town of Guelph, in the same manner and to the same extent as if such several and respective powers, authorities, indemnities, rights and privileges were herein separately, severally, distinctly and at large re-enacted or declared in respect of or for the purpose of or in relation to the constructing, maintaining and working the said extension by this Clause authorized to be constructed or intended so to be.

Public Act.

XII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.

CAP. XLII.

An Act to authorize the construction of a Rail-way from Galt to Guelph.

[10th November, 1852.]

WHEREAS it is highly desirable that a Rail-way should be made from the Terminus of the Great Western Rail-road, at the Town of Galt, to the Town of Guelph, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Isaac Buchanan, Wm. P. McLaren, H. McKinstry, Richard Juson, Edward Ritchie, Alexander Campbell, Wm. L. Diston, John Young, Geo. S. Tiffany, John Fisher, Hector Munro, Andrew Stuart, all of the City of Hamilton, Esquires, Doctor James Hamilton, of West Flamborough, John G. Grange, Absalom Shade, Andrew Elliott and William Dickson, all of the Town of Galt, Esquires, Jacob Hespeler, of the Village of Preston, Esquire, and together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Rail-way, shall be, and are hereby united into a Company for constructing, maintaining and working the said Rail-way, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The Galt and Guelph Rail-way Company*; and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Galt and Guelph Rail-way*, from the Terminus of the Galt Branch of the Great Western Rail-road in the Town of Galt to the Town of Guelph, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Gauge of the said Rail-way shall be five feet six inches. Gauge.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum Stock to be raised.

Books of subscription to be opened.

Notice.

sum of money for making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works ; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the City of Hamilton and Towns of Galt and Guelph and elsewhere, as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in the *Canada Gazette*, and such other newspapers as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions ; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company.

Amount of Stock.

To what purposes to be applied.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of one hundred and forty thousand pounds currency ; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent and purpose whatever.

Amount of each share.

V. And be it enacted, that the said Capital Stock of the said Company shall be divided in shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

First general meeting.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever one hundred shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and at such meeting nine persons, being each a subscriber for at least twenty shares, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the

the Shareholders ; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription. Notice.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act, but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Rail-road Company which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province. Annual Meetings ;
Special Meetings ;
And other matters to be provided for by By-laws.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Rail-road Company*, and of the Acts of the Parliament of this Province, reviving, extending or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Rail-road Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted and the Rail-way which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Rail-way. Certain provisions of the Acts relating to the Great Western Rail-road Company incorporated with this Act

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of fifty thousand pounds, but, except only as regards the amount to be borrowed, the provisions of Acts above referred to as to loans raised by the Great Western Rail-road Company, shall apply to those raised by the Company hereby incorporated. Company may borrow money.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . X L I I I .

An Act to incorporate The Grand Junction Rail-road Company.

[10th November, 1852.]

WHEREAS George Benjamin, Esquire, Warden of the County of Hastings, William Hamilton Ponton, Esquire, Mayor of the Town of Belleville, James Ross, of Belleville, Esquire, Preamble.

Esquire, and others, have petitioned the Legislature to incorporate a Company to construct a Rail-road from Belleville to Peterborough, and thence, to the City of Toronto, or to some point East of the said City of Toronto, to intersect the Main Trunk Line of Rail-way proposed to be constructed, and also from Peterborough or some point west thereof on the preceding section to such place on Lake Huron as may be decided upon by the said Company, and it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John George Bowes, Thomas G. Ridout, William Fabian Meudell, of Toronto, Esquires, Edmund Murney, Peter Robertson, George Benjamin, Henry Bull and James Ross, of Belleville, Esquires, James Sanson the elder, of Orillia, Esquire, Kenneth Cameron, of Thorah, Esquire, John Langton, George Barker Hall and Thomas Short, of Peterborough, Esquires, with all such other persons or Corporations as shall become Shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of "The Grand Junction Rail-road Company."

Certain persons incorporated.

Corporate name.

Certain clauses of 14 & 15 Vic, c. 51, incorporated with this Act.

II. And be it enacted, That the several clauses of the "Rail-way 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 Rail-way," and "General Provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the clause of the said Act, headed "Plans and Surveys," that is to say, that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf for Stations, Depots, or other works in any City or Town, containing more than five thousand inhabitants, that a like extent may be so taken at Peterborough, and that fifty acres may be so taken at the Terminus on Lake Huron.

III. And be it enacted, That the said Company and their Agents or Servants shall have full power under this Act, to lay out, construct, make and finish a double or single Iron Railroad or Way, at their own cost and charges, on or over any or all of the three following sections, that is to say, on and over any part of the Country lying between Belleville and Peterborough, and thence from the said Town of Peterborough, south-westerly, to the City of Toronto, or to some point east of the said City of Toronto, to intersect the Main Trunk Line of Rail-way proposed to be constructed, and also from Peterborough aforesaid, or some point west thereof on the preceding section, to such place on Lake Huron as may be decided upon by the said Company : Provided always, that the said Company shall first obtain the sanction and approval of the Government, to the line selected by them for the location of the said Road, and to the plans and specifications thereof, and that the said Company shall construct the said Rail-way on the line and in the manner approved of by the Government.

Where the Railway shall be made.

Proviso.

IV. And be it enacted, That 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 conveyances will admit, be made in the form given in the Schedule of this Act marked A. And for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to procure a Book with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said Book to enter and register the said Deed upon production thereof, and proof of execution, without any memorial, and to minute such entry on the said Deed. And the said Company are to pay the said Registrars for so doing the sum of Two Shillings and Six Pence, and no more, which said enregistration shall be held and deemed to be valid in Law ; the provisions of any Act for the enregistration of Deeds, now in force in this Province, to the contrary notwithstanding.

Conveyances to the Company to be in a certain form.

Fee to Registrar.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of One Million Pounds sterling, to be divided into Fifty Thousand Shares of Twenty Pounds sterling each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates connected with the Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatever : Provided always,

Capital Stock.

Application thereof.

Proviso.

always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the Line of the said Road, to pay out of the General Funds of the said Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

First Directors named.

VI. And be it enacted, That John G. Bowes, Thomas G. Ridout, William Fabian Meudell, Edmund Murney, George Benjamin, Henry Bull, James Ross, Peter Robertson, James Sanson the elder, Kenneth Cameron, John Langton, George Barker Hall, and Thomas Short, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the Shares subscribed in such Books, and call a meeting of Subscribers for the Election of Directors in manner hereinafter provided.

Subscription Books to be opened.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for Stock in the said Company, the number of shares, (if any,) that parties so subscribing, may have and hold in the Capital Stock aforesaid; Provided always, that no subscription in the said Stock Books shall create the party or parties so subscribing, a partner or partners in the said Company, without and until the authorization thereof by the Directors of the Company for the time being; Provided also, that no such approval or authorization as aforesaid, shall be required to confirm the subscriptions of Municipalities or other Corporate Bodies empowered to take Stock in Rail-way Companies.

Proviso.

Proviso.

Entry of allotments of shares.

VIII. And be it enacted, That the said Directors shall cause an entry to be made in the Records of their proceedings and in the Shareholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment.

Effect of such entry.

IX. And be it enacted, That upon such entries being made, the rights and liabilities of such Shareholder or Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

First General Meeting, and election of Directors.

X. And be it enacted, That when and so soon as one-fifth of the said Capital Stock shall have been subscribed, allotted and authorized, it shall be lawful for the said Directors, or a majority

majority of them, to call a Meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more newspapers published in the City of Toronto, and in the Towns of Peterborough and Belleville, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors, in manner as hereinafter mentioned, of whom six Directors shall be chosen by Municipal Corporations being Shareholders, according to the scale of votes hereinafter mentioned, and six by private Shareholders; which said twelve Directors shall hold office until the first Monday in June following.

Term of
Office.

XI. And be it enacted, That on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders twelve Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of Election, in the *Canada Gazette*, and also, once at least, fifteen days before the Election, in one newspaper in each City or Town or County on the line of Road: And all Elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes, at any Election, shall be the 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 votes, until a choice is made; and if any vacancy shall at any time happen among the Directors by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said twelve Directors, shall form the Board of Directors.

Annual
General
Meetings.

Elections to
be by ballot.

Vacancies
how filled.

XII. And be it enacted, That a majority of the said Directors shall form a *quorum* for the transaction of business: Provided that the said Directors may employ one or more of their said number as paid Director or Directors.

Quorum of
Directors.
Proviso.

XIII. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding at least twenty shares in the Stock of the said Company, who shall have paid up all calls on the said shares.

Qualification
of Directors.

XIV. And be it enacted, That the Stock to be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve from time to time being of such Municipal Corporations subscribing to The Grand Junction Rail-road Company, or by such person to be appointed by such Municipal Corporations respectively; and that such Mayor, Warden or Reeve, or person deputed as aforesaid, shall, at the Election

How Stock
held by Muni-
cipalities shall
be represent-
ed.

of

of six Directors to be chosen by Municipal Corporations as aforesaid, be entitled to vote in respect of the Stock subscribed for by such respective Municipal Corporations in the proportion following, that is to say : one vote for every Fifty Shares subscribed for by such Municipality : Provided always, that on every occasion other than the election of Directors, the Mayor, Warden, Reeve, or person representing Municipalities, shall be entitled to the number of votes proportioned to the number of shares held by the Municipal Corporation to the same extent as private Shareholders.

Proviso.

Proportion of votes to shares.

Proviso.

Proviso.

XV. And be it enacted, That each Shareholder, holding less than two hundred Shares, shall be entitled to the number of votes proportioned to the number of Shares which he or they shall have had in his or their name at least two weeks prior to the time of voting ; Provided that no one Shareholder as aforesaid, shall have more than three hundred votes. Provided also, that no Municipal Corporation, shall vote or be entitled to vote at any election of the six Directors to be chosen by the private Shareholders. And provided further, that no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

Calls on Stock.

XVI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the said Company in such proportions as they may see fit, so as no such instalment shall exceed ten per cent, giving at least one month's notice for each call, in such manner as they shall appoint.

Tolls how fixed.

Proviso.

XVII. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Road, subject always to the approval of the Governor in Council, as is provided by the Rail-way clauses consolidation Act : Provided always, that in no case shall the amount charged for toll and charges, exceed, for First Class Passengers, two pence currency per mile, and for Second Class Passengers, one penny half penny currency, per mile, and for Third Class Passengers, one penny currency, per mile, and that one train, having therein Third Class covered passenger cars, shall be run over the said road throughout its length each way daily.

Part of s. 18 of 14 & 15 Vic. c. 51, not to apply.

XVIII. And be it enacted, That sub-section three of section eighteen of the Rail-way clauses consolidation Act, shall not be incorporated with this Act.

XIX: And be it enacted, That the said Company shall have power to become parties to Promissory Notes, and Bills of Exchange for sums not less than twenty-five pounds, and any such Promissory Note, made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer; and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act; shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Company may be parties to promissory notes, &c.

Proviso.

XX. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Rail-way, but not to alienate, so much of the wild land of the Crown, not heretofore granted or sold, lying on the route of the said Rail-way, as may be necessary for the said Road; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Rail-way shall be carried: And if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company, to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor

Company may take beach lots.

Provision for preventing obstruction to the navigation of any River, &c.

Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Guage.

XXI. And be it enacted, That the guage of the said Railway shall be five feet six inches.

Aliens may vote, &c.

XXII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Government may assume the Rail-road.

XXIII. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Compensation to be made in case of such assumption.

XXIV. And be it enacted, That the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities; up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent., and ten per cent. additional thereon after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the said Company. Provided always, That in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and, in case of disagreement, such difference shall be referred to an Umpire, to be chosen by the said Arbitrators before entering into the consideration of the said difference, and that the said award so made by the Arbitrators or the Umpire shall be final; and provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law for Upper Canada on application of the Government.

Proviso.

Proviso.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
(here, name the wife if any), do hereby in consideration of
(here the sum) paid to me by The Grand Junction Rail-way
 Company, the receipt whereof is hereby acknowledged, grant,
 bargain, sell, convey and confirm unto the said The Grand
 Junction Rail-way Company, their Successors and Assigns for
 ever, all that certain tract or parcel of land situate *(here describe
 the land)* the same having been selected and laid out by the said
 Company for the purposes of their Road. To have and to hold
 the said land and premises, together with the hereditaments
 thereto, to the said The Grand Junction Rail-way Company,
 their Successors and Assigns for ever, *(here dower if any.)*

Witness my Hand and Seal, this day of One
 thousand eight hundred and

L. S.

Signed, Sealed and delivered
 in presence of

C A P. X L I V.

An Act to incorporate *The Hamilton and Toronto
 Rail-way Company.*

[10th November, 1852.]

WHEREAS it is highly desirable that a Rail-way should Preamble.
 be made from the Terminus of the Great Western
 Rail-road at the City of Hamilton, to the City of Toronto,
 and the persons hereinafter mentioned have petitioned to be
 incorporated for that purpose : Be it therefore enacted by the
 Queen's Most Excellent Majesty, by and with the advice and
 consent of the Legislative Council and of the Legislative
 Assembly of the Province of Canada, constituted and assembled
 by virtue of and under the authority of an Act passed in the
 Parliament of the United Kingdom of Great Britain and Ireland,
 and intituled, *An Act to re-unite the Provinces of Upper and
 Lower Canada, and for the Government of Canada*, and it is
 hereby enacted by the authority of the same, That Robert W.
 Harris, of the City of Liverpool, Merchant, Samuel Laing, of the
 City of Brighton, Member of the House of Commons, John
 Masterman, of the City of London, Banker, Peter Buchanan,
 of the City of Glasgow, Merchant, William Shaw, of the City
 of London, Esquire, Isaac Buchanan, Henry McKinstry, W.
 P. McLaren, Richard Juson, John Young the elder, George S.
 Tiffany, William L. Distin, John Fisher, Hector Munro,
 Edmond Ritchie, Alexander Campbell, Andrew Stuart, all of
 the City of Hamilton, Esquires, Sir Allan Napier MacNab, of
 Dundurn, the Honorable William Allan, the Honorable William
 B. Certain persons incorpo-
 rated.

B. Robinson, William Caley, Joseph C. Morrison, Thomas G. Ridout, and John Cameron, all of the City of Toronto, Esquires, Doctor James Hamilton, of West Flamborough, Walter H. Dickson, of the Town of Galt, Esquire, together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Rail-way, shall be and are hereby united into a Company for constructing, maintaining and working the said Rail-way, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic, by the name and style of *The Hamilton and Toronto Rail-way Company*; and the said Company shall be, and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Toronto and Hamilton Rail-way*, from the Terminus of the Great Western Rail-road at the City of Hamilton, to the City of Toronto, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council, and also to make and complete a Branch Rail-way from such point on the Great Western Rail-road as they may deem most advantageous, to Port Dalhousie on Lake Ontario.

Corporate name.

Line of Rail-way to be made by them.

Branch to Port Dalhousie.

Gauge.

Main Rail-way to be part of Main Trunk Line.

Company to raise capital for making the Rail-way.

Books of subscription to be opened.

Notice.

II. And be it enacted, That the Gauge of the said Rail-way and of the said Branch Rail-way, shall be five feet six inches, and the said Rail-way (but not the said Branch Rail-way,) shall be held to form part of the Main Trunk Line of Rail-way, and the said Company shall accordingly upon complying with all the provisions of the law in that behalf, be entitled to the benefit of the Guarantee of the Province, to the extent and in the manner by law provided.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Rail-way and Branch, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Rail-way and Branch and other works: Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened simultaneously in the Cities of Hamilton and Toronto, and afterwards in such other places as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in the *Canada Gazette*, and

and such other newspapers as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, and shall, at the time of subscription, pay to the persons authorized to receive the said subscriptions, ten per centum on the amount of Stock so subscribed for, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company; Provided always, that the said parties, or the majority, may reserve one half of the whole Capital Stock of the said Company for subscription in Great Britain, if they deem it expedient.

Ten per cent
to be paid
down.

Proviso.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of four hundred and fifty thousand pounds, currency; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and Branch, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Amount capital
stock.

To what pur-
poses to be
applied.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking, proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Amount of
each share.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever four hundred and fifty shares in the Capital Stock of the said Company shall have been *bond fide* subscribed for, and ten per centum paid thereon as aforesaid, and at such meeting nine persons being each a subscriber for at least forty shares, who shall have paid ten per centum thereon, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the Shareholders; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

First general
meeting.

Election of
Directors.

Notice.

VII.

Annual meet-
ings.

Special meet-
ings, and other
matters, to be
regulated by
By-law.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling special meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Rail-road Company, which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

Certain provi-
sions of the
Acts relating
to the Great
Western Rail-
way Compa-
ny (U. C. 4
W. 4, c. 29)
incorporated
with this Act.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Rail-road Company*, and of the Acts of the Parliament of this Province, reviving, extending, or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Rail-road Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Rail-way and Branch which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Rail-way and Branch.

Company
may borrow
£100,000, and
under what
provisions.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of one hundred thousand pounds; but except only as regards the amount to be borrowed, the provisions of the Acts above referred to, as regards loans raised by the Great Western Rail-road Company, shall apply to those raised by the Company hereby incorporated.

Public Act:

X. And be it enacted, That this Act shall be a Public Act.

C A P . X L V .

An Act to authorize the Brantford and Buffalo Joint Stock Rail-road Company to construct a Railway from Fort Erie to Goderich.

[10th November, 1852.]

Preamble.
Recital.

WHEREAS certain persons having associated themselves together, for the purpose of constructing a Railroad from Fort Erie to intersect the Great Western Railroad at or near the Town of Brantford, and having complied with all the requirements of the Act passed in the twelfth year of Her Majesty's Reign,

Reign, and intituled, *An Act to authorize the formation of* 12 Vict., c. 84.
Joint Stock Companies for the construction of Roads and
other Works in Upper Canada, did, under the provisions of
the said Act as extended by the Act passed in the Session held
in the thirteenth and fourteenth years of Her Majesty's Reign,
and intituled, *An Act to amend and extend the provisions of* 13 & 14 Vic.
an Act passed in the twelfth year of Her Majesty's Reign, c. 72.
intituled, '*An Act to authorize the formation of Joint Stock*
'*Companies for the construction of Roads and other Works*
'*in Upper Canada,*' become a body corporate by the name
and style of *The Brantford and Buffalo Joint Stock Railroad*
Company, and were by that name acknowledged by the Legis-
lature in the Act passed in the Session held in the fourteenth
and fifteenth years of Her Majesty's Reign, and intituled,
An Act to repeal so much of the Act thirteenth and fourteenth 14 & 15 Vic.
Victoria, chapter seventy-two, as relates to the construction c. 121.
of Railways, and were therein expressly exempted from
the effect thereof; And whereas the said Brantford and
Buffalo Joint Stock Railroad Company have expended large
sums of money on their Railway between Fort Erie and
Brantford, so that the works on the said Railway are
in a very advanced state; And whereas the said Company
have by their petition, represented that being desirous of extend-
ing their said Railway from the Town of Brantford aforesaid
through the Towns of Paris and Stratford to the Town of
Goderich, in the County of Huron, and holding themselves to be
thereunto empowered by the provisions of the Act passed in the
Session last aforesaid, and intituled, *An Act to amend the* 14 & 15 Vic.
Act intituled, 'An Act to authorize the formation of Joint c. 122.
'*Stock Companies for the construction of Roads and other*
'*Works in Upper Canada,*' they prepared to extend their
said Railway accordingly, and opened books of subscription
for raising the additional Stock required for the purpose, and
obtained subscribers for the same, and that among others the
County Council of United Counties of Huron, Perth and Bruce
have resolved to empower the Warden thereof to subscribe for
shares in the Stock of the said Company to the amount of one
hundred and twenty-five thousand pounds, and have adopted for
publication, and have printed, published and passed the requisite
By-law; and that the said Company have caused surveys and
plans to be made for the proposed extension; And whereas the
said Company have further represented, that although they
believe their powers under the Acts aforesaid to be sufficient
to enable them to effect such extension as aforesaid, yet that
numerous advantages would accrue as well to themselves as to
the public, if the provisions of *The Railway Clauses Conso-*
lidation Act, passed in the now last session, were extended
to them, and their rights and duties were regulated by its enact-
ments; And whereas it is right and for the public good to grant
the prayer of the said Company: Be it therefore enacted by
the Queen's Most Excellent Majesty, by and with the advice
and consent of the Legislative Council and of the Legislative
Assembly

Name of com-
pany changed.

Company em-
powered to
construct a
certain Rail-
way.

Property and
liabilities of
the Company
to continue in
them by their
real name.

Change of
name not to
make that
Company a
new Corpora-
tion.

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Incorporated Company hereinbefore mentioned heretofore known by the name of *The Brantford and Buffalo Joint Stock Railroad Company*, shall, from and after the passing of this Act, be a body corporate by the name or style of *The Buffalo, Brantford and Goderich Railway Company*, and by that name the present members of the said Brantford and Buffalo Joint Stock Railroad Company, and all such persons and parties as shall under the provisions of this Act become Shareholders in the Railway hereby authorized to be made, their several and respective heirs, executors, administrators, successors and assigns, shall be and remain an incorporated Company for constructing, maintaining and working the Railway hereinafter mentioned, under the provisions of this Act, and the said Company shall be and are hereby authorized and empowered by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called *The Buffalo, Brantford and Goderich Railway*, from the Niagara River at or near Fort Erie in the Township of Bertie, in the County of Welland, to the Town of Brantford, in the County of Brant, and thence through Paris and Stratford to the waters of Lake Huron at the Town of Goderich, on Lake Huron, in the County of Huron.

II. And be it enacted, That from and after the passing of this Act, all and singular the property of the said Brantford and Buffalo Joint Stock Railroad Company, whether the same be real or personal estate, or of what kind and nature soever, shall be and become the property of the Buffalo, Brantford and Goderich Railway Company, and of their successors and assigns, and the Buffalo, Brantford and Goderich Railway Company shall thenceforth be subject to be held responsible for all contracts, agreements and obligations made and entered into by the said Brantford and Buffalo Joint Stock Railroad Company, or which shall or may thereafter be made or entered into by the President of the said Company under the authority of any By-laws or Resolutions of the said Company; Provided always, and be it declared and enacted, That neither the change made by this Act in the name of the said Company, nor any thing else herein contained, shall be construed to make the said Company a new Company or a new Corporation, so as to cause any action, suit or proceeding to which the said Company may be a party to abate or cease, but the same may, upon suggestion of the passing of this Act, be continued by or against the said Company, by the name hereby assigned to it; and every subscription to the Stock of the said Company by its present name shall be to all intents and purposes as binding, valid and

and effectual, and shall vest in and impose upon the subscriber the same rights and liabilities as if made after the passing of this Act and to the Stock of the said Company by the name hereby assigned to it.

III. And be it enacted, That the By-laws, Rules and Regulations of the said Company made before the passing of this Act, shall remain in force, and shall apply to be the whole Railway hereby authorized to be constructed, in so far and in so far only as they may be consistent with the provisions of this Act, and until they shall be repealed, altered or amended by others to be made under this Act, and the provisions of the Act herein first above mentioned and of the Act amending the same, under which the said Company was originally constituted and has heretofore acted, shall after the passing of this Act cease to apply to the said Company or to their Railway and works, except in so far as relates to rights acquired under the said Acts or either of them by the said Company or others, and except in so far as relates to any action, suit or proceeding commenced by or against the said Company before the passing of this Act, which shall be continued, governed and completed by and under the provisions of the Acts last referred to.

Present By-laws to remain in force until altered.

IV. And be it enacted, That the several clauses of *The Railway Clauses Consolidation Act*, passed during the now last Session of the Provincial Parliament, with respect to the first, second, third and fourth clauses thereof, and also the several clauses, of the said last mentioned Act, with respect to "Interpretation," "Powers," "Plans and Survey," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines and Penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as it may be expressly otherwise provided by this Act, or as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the Provisions of *The Railway Clauses Consolidation Act* which are incorporated with this Act as aforesaid.

Certain clauses of 14 & 15 Vic., c. 51, incorporated with this Act.

V. And be it enacted, That any Shareholder in the said Company whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal right to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Aliens may vote.

VI. And be it enacted, That it shall and may be lawful for the said *Buffalo, Brantford and Goderich Railway Company* to increase the Capital Stock of the said Company, by such

Increase of capital authorized.

Amount of
each share.

sums as may be required to enable them to complete the said Railway from the Niagara River at or near Fort Erie in the Township of Bertie, to the Town of Goderich aforesaid, *via* the Towns of Brantford, Paris and Stratford aforesaid, and for the completion of the works necessary for the efficient working and maintaining of the said Railway; provided the whole Capital Stock of the said Company shall not at any time exceed the sum of one million pounds; and the said Capital Stock shall be divided into shares of five pounds each; and such increase of Capital Stock may be effected either by the admission of new subscribers or Shareholders, or the additional sum may be raised by subscription among the present Shareholders, or such increase may be effected in both the said ways.

Proportion of
votes to
shares.

VII. And be it enacted, That any party or parties holding Stock in the Company hereby incorporated to the amount of one hundred shares, or any amount less than one hundred shares, shall at the meetings of the Shareholders have one vote for each share; and for any amount over one hundred shares and not over six hundred shares, one vote to two shares; and for any amount over six hundred, and not over fifteen hundred shares, one vote to three shares; and for any amount exceeding fifteen hundred shares, one vote to four shares.

Present Di-
rectors to re-
main in Office
until next
annual meet-
ing.

VIII. And be it enacted, That the present Directors of the said Company shall continue in office as such, until the second Monday in June, in the year one thousand eight hundred and fifty-three, and that on the said day, and on the second Monday in June, in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said Shareholders shall be held at the office of the Company, for the time being, to choose nine Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Shareholders holding together one thousand shares at least, that a special general meeting of Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice, at least, to be given thereof in three public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice, the time and place, and the reason and intention of such special meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only, and all such acts of the Shareholders or the majority of them at such special meetings assembled, such majority not having either as principals or proxies less than one thousand shares, shall be as valid to all intents and purposes as if the same were done at annual meetings; and after the said second Monday in June, one thousand eight hundred and fifty-three, the number of Directors of the said Company shall always

Special ge-
neral meeting.

Number of
Directors.

always be nine, and they shall hold their office from the time of their election until the next annual meeting, or until others shall be elected in their stead, but any Directors may be re-elected; and at any meeting of the said Directors, five Directors shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided that no person shall hereafter be elected a Director who shall not hold at least ten shares in the stock of the Company.

Quorum.

Proviso.

IX. And be it enacted, That the Gauge of the said Railroad shall be five feet six inches, and neither more nor less.

Gauge.

X. And be it enacted, That for and notwithstanding any thing in any Act or law to the contrary, it shall be lawful for the said Company hereby incorporated to hold to them and to their successors and assigns, as lessees of the Crown, the Ferry at Fort Erie Rapids, subject to the conditions and restrictions and according to the terms mentioned and contained in the lease thereof to the said Brantford and Buffalo Joint Stock Railroad Company, and to possess, exercise and enjoy all the powers, rights and privileges which appertain thereto, and from time to time to obtain a renewal thereof, and also from time to time to construct, purchase, own and maintain one or more Ferry Boats for the purpose of transporting goods and passengers to and from the United States, according to the terms of the Lease aforesaid, and to subscribe, purchase and hold shares in the Stock of any Railroad from Black Rock to the City of Buffalo.

Company may hold stock in other Companies of certain kinds.

XI. And be it enacted, That for and notwithstanding any Act or law to the contrary thereof, the provisions of By-law number five of the County Council of the United Counties of Huron, Perth and Bruce, intituled, *A By-law to authorize the Warden of the United Counties of Huron, Perth and Bruce to issue Debentures in payment of twenty-five thousand shares of the increased Capital Stock of the Brantford and Buffalo Joint Stock Railroad Company*, and also of any By-law or By-laws of any other Municipal Corporation in Upper Canada already passed, or which may have been adopted for publication, and are now in progress of being passed for the purpose of authorizing the Mayor, Warden, or Reeve of such Municipality, to acquire stock in the said Brantford and Buffalo Joint Stock Railroad Company, shall extend and apply to the Buffalo, Brantford and Goderich Railway Company; and the Mayor, Warden, or Reeve of such Municipality respectively, is hereby authorized and empowered to subscribe for stock in and to issue Debentures to the said last mentioned Company, in the same manner and with the like force and effect as now is or shall as aforesaid be authorized and provided for by any By-law already passed or to be passed in relation to the said Brantford and Buffalo Joint Stock Railroad Company.

Other Companies may hold Stock in this Company.

City of Buffalo may appoint Directors.

XII. And whereas the City of Buffalo, in the State of New York, one of the United States of America, is, by virtue of an Act of the Legislature of the said State, empowered to acquire and hold, and the said City does now hold, seven thousand five hundred shares in the Capital Stock of the said Brantford and Buffalo Joint Stock Railroad Company; and whereas provision is made in the said Act for the nomination by the Common Council of the said City of one Director of the said Company for every three thousand seven hundred and fifty shares held therein by the said City; and whereas it is expedient to empower the said Common Council to appoint one or more Directors of the said Company accordingly: Be it therefore enacted and declared, That it shall be lawful for the Common Council of the said City of Buffalo, at any time within one month next preceding the annual election of Directors of the Buffalo, Brantford and Goderich Railway Company, to nominate and appoint one or more persons to be a Director or Directors of the said last mentioned Company, in the proportion of one Director for every three thousand seven hundred and fifty shares of the Capital Stock of the said Company, which shall, at the time of such nomination and election, be held and owned by the said City; and every such person so nominated and appointed, shall, without other qualification, on the day of such election, and thenceforth until the then next ensuing election of Directors, be and become a Director of the said Company: Provided always, that the said Common Council shall not be allowed to vote by virtue of their shares so to be held by them as aforesaid, for the election of any Director or Directors at any meeting of the said Company for that purpose assembled.

Proviso.

Ratification of Mortgage Deed of August, 1852.

XIII. And whereas the said Brantford and Buffalo Joint Stock Railroad Company have executed under their Corporate Seal, Bonds to the amount of one hundred and twenty-five thousand pounds Sterling, in sums of two hundred pounds Sterling, each, payable at the counting house of Messrs. Baring Brothers and Company, London, England, on the first day of August, one thousand eight hundred and seventy-two, with interest at six per cent. per annum, payable semi-annually to Arunah Huntington, or the holder thereof, which Bonds are secured by a mortgage deed bearing date the twenty-fifth day of August, one thousand eight hundred and fifty-two, executed under the Corporate Seal of the said last mentioned Company, to certain Trustees therein named, whereby the lands, railways, rails, fences, warehouses, buildings, fixtures and appurtenances to the said Company belonging, together with the tolls, income and profits to be derived from the same, are mortgaged and pledged in trust as a security for the payment of the said sum of one hundred and twenty-five thousand pounds, with the interest to accrue thereon, according to the tenor and effect of the said mortgage deed; and whereas it is expedient to ratify, confirm, and

and make valid the said Bonds and mortgage deed, and to provide that the same shall be chargeable and obligatory upon the Company hereby incorporated: Be it therefore enacted and declared, That from and after the passing of this Act, the said several Bonds of the Brantford and Buffalo Joint Stock Railroad Company, so as aforesaid executed, to the amount of one hundred and twenty-five thousand pounds, shall be and become obligatory and of force according to the purport, conditions and tenor thereof, upon the Buffalo, Brantford and Goderich Railway Company, in the same manner and with the same force and effect as if the said Bonds had been originally made and executed by and in the name of the said last mentioned Company, and that the said mortgage deed for securing the payment of the said Bonds is and shall continue to be and subsist as good, valid and obligatory upon the Buffalo, Brantford and Goderich Railway Company, according to the purport and terms thereof, in respect of all and singular the property, privileges and effects therein mentioned, and the covenants, agreements and provisoes contained therein: And the said Bonds and the Interest Warrants annexed thereto, together with all Bonds and Interest Warrants which shall at any time hereafter be issued by the said Buffalo, Brantford and Goderich Railway Company, payable to bearer, under the provisions of the Railway Clauses Consolidation Act, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Bonds, &c.,
assignable by
delivery.

XIV. And be it enacted, That 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 conveyances will admit, be made in the form given in the Schedule of this Act, marked A.

Conveyances
to Company—
form.

XV. And be it enacted, That unless the said Company shall within one year from the passing of this Act, commence the construction of that portion of the said Railway extending from Stratford to the Town of Goderich, and finish the same in three years from the fifteenth day of May next, the authority of the said Company to commence and construct such portion of the said Railway from Stratford to Goderich, and all the rights hereby conferred upon the said Company so far as relates to such portion of the said Railway, shall wholly cease and determine.

Extension to
Goderich
within three
years.

XVI. And be it enacted, That this Act shall be a Public Act.

Public Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
(here, name the wife if any) do hereby in consideration of
(here the sum) paid to me by The Buffalo, Brantford and Goderich Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said The Buffalo, Brantford and Goderich Railway Company, their Successors and Assigns for ever, all that certain tract or parcel of land situate *(here describe the land)* the same having been selected and laid out by the said Company for the purposes of their Road. To have and to hold the said land and premises together with the hereditaments thereto, to the said The Buffalo, Brantford and Goderich Railway Company, their Successors and Assigns for ever, *(here, dower if any.)*

Witness my Hand and Seal, this day of One
 thousand eight hundred and

L. S.

Signed, Scaled and delivered
 in presence of

CAP. XLVI.

An Act to authorize *The Montreal and New York Rail-road Company* to extend their Rail-road, and to acquire the Land necessary for such extension, and for other purposes relative to the said Company.

[10th November, 1852.]

Preamble.

Act 13 & 14 v.
 c. 112, cited.

WHEREAS in and by an Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Union of the Montreal and Lachine Rail-road Company, and of the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies*, the Union of the said Montreal and Lachine Rail-road Company and of the said Lake Saint Louis and Province Line Rail-way Company was authorized, and it was provided that on their complying with certain conditions the said two Companies should be united and form one Company by the name of the "Montreal and New York Rail-road Company." And whereas in conformity with the provisions and conditions prescribed in and by the said Act, the said Montreal and Lachine Rail-road Company and the said Lake Saint Louis and Province Line Rail-way Company have united together, to the intent that they should in law and in fact, upon, from and after the first day of January now last, constitute one Company, under the name and style aforesaid,
 in

in the manner by the said Act provided: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Montreal and Lachine Rail-road Company, and the said Lake Saint Louis and Province Line Rail-way Company, having conformed to and complied with the provisions and conditions of the said Act, intituled, *An Act to authorize the union of the Montreal and Lachine Rail-road Company with the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies* in that behalf, and so having united themselves into one Company, under the name and style of *The Montreal and New York Rail-road Company*, have become, and the said two Companies hereby are declared to have become one Company, upon the said first day of January now last, and the Members thereof, together with such person or persons as shall under the provisions of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, and of a certain other Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend the Act to incorporate the Montreal and Lachine Rail-road Company, and for other purposes therein mentioned*, and of a certain other Act made and passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act further to amend the Act incorporating the Montreal and Lachine Rail-road Company, and for other purposes*; and of a certain other Act made and passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Lake Saint Louis and Province Line Rail-way Company*, and of the Act above cited in the preamble to this Act or of this Act, become subscribers to and proprietors of any share or shares in the said Montreal and New York Rail-road, and in the branches and extensions of the same and other works intended and hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are, have been and shall be one Company for carrying on, making, completing and maintaining the said Montreal and New York Rail-road, and the other works contemplated and authorized by this Act, according to the rules, order and directions in the Acts hereinbefore mentioned, or those of them which may remain in force and those in this Act expressed and prescribed, and are and shall for that purpose be one Body Politic and Corporate by the name of *The Montreal and New York Rail-road Company*, and by that name have and shall have perpetual

The two Companies declared to have become one Company on the 1st January, 1852, and to form one body corporate from the said day.

9 Vic. c. 82.

10 & 11 V. c. 63.

12 V. c. 177.

10 & 11 V. c. 120.

Corporate Rights.

perpetual succession and a Common Seal, and other the usual power and rights of Bodies Corporate, not inconsistent with this Act, or with such of the enactments of the Acts aforesaid as may remain in force, and by that name may sue and be sued, and shall receive and enjoy all the rights, power, privileges and authorities whatsoever, which the said Montreal and Lachine Rail-road Company, or the said Lake Saint Louis and Province Line Rail-way Company, or either of them, might or could, under and by virtue of any or all of the Acts of Parliament hereinbefore cited and referred to, have received and enjoyed, in as full and ample a manner as if the said Acts had been made and passed in the name and for the behoof of the said *Montreal and New York Rail-road Company*; and this Act shall in all Courts of Justice be a sufficient proof of the Union of the said two Companies, and of the Corporate capacity of the said *Montreal and New York Rail-road Company*, without the production of any other proof whatsoever, and that the Rail-roads, which by the Acts hereinbefore cited the said two Companies were respectively authorized to construct, are and shall be in law one Rail-road by the name of *The Montreal and New York Rail-road*; Provided always that the ratified propositions and agreement entered into by the said two Companies in order to their union, under the Act cited in the Preamble, shall remain in force so far as regards the former Members of the said two Companies, and those Members of the present Company who were intended to be affected thereby.

This Act to be proof of the Union of the two Companies.

Proviso.

Petition of the Company recited.

II. And whereas the said Montreal and New York Rail-road Company, (which Company is hereinafter spoken of as "the said Company,") have petitioned the Legislature for further power and authority to construct a bridge across the River St. Lawrence, and to make a branch road or extension of the Montreal and New York Rail-road, (which said road is hereinafter spoken of as "the said Rail-road,") in connection with the said bridge, and further to make a branch or extension of the said Rail-road, from the present terminus of the said Rail-road at Lachine, to a point known as Leishman's Point, and to acquire the land necessary for the said extensions and works; and whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted, That it shall be lawful for the said Company to construct a branch or extension of the said Rail-road, from some point on its present line between Montreal and Lachine, across the Lachine Canal, to some point on the River St. Lawrence, between the mouth of the Lachine Canal at Lachine aforesaid, and the Island known as "Nuns' Island," on the River St. Lawrence, and to construct a bridge across the said River St. Lawrence from such point on the said River to some point on the opposite or southern shore of the said River, (making use for the purpose of constructing the said bridge of all and any of the Islands, rocks and shoals in the said River being,) and to extend and continue the said branch

Extension and bridge over the St. Lawrence, authorized.

branch road or extension from the said point on the southern shore of the said River to some point on the present line of the said Rail-road between the Indian Village of the Sault St. Louis and the Village of St. Remi, in the Seigniorship of Lacolle and County of Huntingdon, in as direct a line as may be practicable ; and further, to construct another branch or extension of their said Rail-road from the present terminus of the said Rail-road at Lachine, to the place known as Leishman's Point, in the Parish of Lachine aforesaid, or some other point or place on the said River within half a mile of Leishman's Point ; and to take, acquire and hold all the lands necessary for either or both of the above mentioned extensions or branches and bridge, for them and their successors and assigns, for the use of the said Rail-road and works, without Her Majesty's *Lettres d'Amortissement*, and also to alienate and convey any of the said lands, purchased for the purpose aforesaid ; and any person or persons, bodies corporate or politic, or *communauté*, may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may repurchase of the said Company without *Lettres d'Amortissement*, and the said Company are hereby authorized after the passing of this Act, to make and complete the said branches or extensions of the said Rail-road, or either of them, with one or more sets of rails, and on the locomotive or atmospheric principle as the said Company may deem best, and to erect wharves, warehouses, stores, dépôts and other buildings at either termination, and at such other places on the line of the said branches or extensions as they may deem expedient.

Another extension to Leishman's Point authorized.

III. And be it declared and enacted, That the enactments and provisions of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as amended by the several Acts hereinabove cited, with regard to the survey, setting out, acquiring and taking of lands, and of beaches or lands covered by the waters of the River St. Lawrence,—the extent of such lands and beaches which may be taken,—the map or plan and books of reference to be made and deposited relative to such lands,—the getting or placing of materials and other things,—the mode of settling by agreement or arbitration the damages or compensation to be paid by the Company for lands, materials or other things, the works which may be constructed and used by the Company,—the conveyance of lands and other property to the Company,—the extent of deviation allowed from the line shewn in the map or plan deposited, and the rights, powers, duties and obligations of the Company, and generally all the enactments and provisions of the said Act and of the Acts amending the same, whether herein more especially referred to or not, do and shall extend and apply to the branches or extensions of the said Rail-road and to the Bridge hereby authorized to be built, and to the said Company and to all things to be done by them, or by any person or party with regard to them, except only in so far as such enactments and

Enactments of the Act 9 V. c. 82, declared to extend to the new Company and to the works they are hereby authorized to undertake.

and provisions may be repealed by this Act or by the Act first cited in the Preamble to this Act, or may be inconsistent with or repugnant to those of this Act or of the said Act cited in the Preamble to this Act; so that whenever this Act and the Act cited in the Preamble shall contain no provision establishing the rights of the Company, or of any member thereof, or of any person or party with respect to the Company, in any case, recourse shall be had to the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as amended as aforesaid, in order to ascertain such rights.

This Company may sue for arrears, &c., due to other Companies.

IV. And for the avoidance of doubts—Be it declared and enacted, That the provisions of the Act to incorporate the Montreal and Lachine Rail-road Company, as amended by the Acts hereinbefore cited and those of the said amending Acts, do and shall apply to the calling in of stock subscribed or to be subscribed for, either under this Act or the Acts last above mentioned, or under the Act hereinbefore cited, incorporating the Lake St. Louis and Province Line Rail-way Company, and that all calls of the stock either of the said Montreal and Lachine Rail-road Company or of the said Lake St. Louis and Province Line Rail-way Company which may be in arrear, may be sued for and recovered by and in the name of the Montreal and New York Rail-road Company, as debts due to them, and any suit for the recovery of such arrears commenced in the name of the Lake St. Louis and Province Line Rail-way Company, may be continued by and in the name of the Montreal and New York Rail-road Company, upon suggestion of the passing of this Act; and inasmuch as from the circumstances under which the Lake St. Louis and Province Line Rail-way Company was formed, and its subsequent union with the Montreal and Lachine Rail-road Company, and the complicated proceedings connected therewith, or otherwise, it may have happened that irregularities and informalities may have occurred in the proceedings of the said two Companies or either of them, or of the Montreal and New York Rail-road Company, previously to the passing of this Act—Be it enacted, That no irregularity or informality in the proceedings of the said Companies or either of them before the passing of this Act, shall be admitted as a defence or valid plea in any action by or against the said Montreal and New York Rail-road Company, but such irregularity or informality shall be held to be effectually remedied by the passing of this Act.

Informalities not pleadable.

Company may take beach lands for their works.

V. And be it enacted, That it shall be lawful for the said Company, subject to the provisions of the said Act to incorporate the Montreal and Lachine Rail-road Company, in like cases, to take, use, occupy and hold, but not to alienate, so much of the public beach or beach road or of the land covered with the water of the River St. Lawrence, or of any Island or Islands in the same, as may be required for the Bridge or Bridges they are hereby empowered to construct and the works therewith

therewith connected, or for their new Terminus and works at or near Leishman's Point, and the wharves and other works necessary either there or at the Indian Village of Caughnawaga, for efficiently working and using their extensions of their Rail-road hereby authorized, or for establishing and working the Steam Ferry hereinafter mentioned, doing no damage to, nor causing any obstruction in the navigation of the said River.

VI. Provided always, and it is hereby enacted, That in the construction of the said bridge or bridges across the River St. Lawrence and the Lachine Canal, the said Company shall not cause any obstruction in or in any way impede the free navigation of the River St. Lawrence or of the said Lachine Canal; and whenever and wherever the said Rail-road shall be carried across the said River or the said Canal, the said Company shall adopt and use such means, by the elevation to be given to the bridge or bridges, or by the construction of draw-bridges or swing-bridges, to facilitate the passage of rafts and vessels, as the Governor in Council shall direct, upon a plan of the same being submitted for approval to him in Council; nor shall the said Company construct or commence to construct any bridge, pier or other work upon the public beach or bed of the said River St. Lawrence, or upon the banks of the said Lachine Canal, until a plan of such work shall have been submitted to and approved by the Governor in Council: Proviso. Provided always, That it shall be lawful for any other Rail-road Company to make use of the said Bridge or Bridges to be constructed under this Act, upon such rates of compensation as may be agreed upon between the said Montreal and New York Rail-road Company, and such other Rail-road Company applying for the same, and in case of difference between them therefor, then the said rates shall be settled and determined by arbitrators to be indifferently chosen by each, and by an umpire to be appointed by the Chief Commissioner of the Board of Works for the time being, upon application by either therefor, and the award of the said arbitrators and umpire, or of a majority of them, shall be final and conclusive, notwithstanding any informality or defect in form in the proceedings therefor: Proviso. Provided further, that nothing herein contained shall prevent the Government or any other Rail-road Company, or any other party, from erecting and constructing a Bridge across the St. Lawrence if thereto authorized by Legislative enactment: Proviso. Provided further, that the period within which the said Bridge shall be erected and constructed, shall be five years from the coming into force of this Act, with power to the Governor in Council to extend the said period to such further period as may be deemed expedient, not exceeding in any case ten years in all from the coming into force of this Act.

VII. And be it enacted, That if any land belonging to, or in the possession of any tribe of Indians in this Province, shall Provision when lands taken belong be

to an Indian
Tribe.

be required by the said Company for the said Rail-road or any extension thereof, or any wharf or other work authorized by this Act or any Act hereinbefore cited, or if any act occasioning damage to their lands shall be done under the authority of this Act or of any of the said Acts, compensation shall be made therefor in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it shall be necessary that arbitrators should be chosen by the parties, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians to the said Chief Officer for their use.

Map and
books of re-
ference may
be deposited
separately for
such work.

VIII. Provided always, and be it enacted, That it shall not be necessary that the map or plan and book of reference for the said branch or extension of the said Rail-road to Leishman's Point or the neighborhood thereof, be made or deposited at the same time with those relating to the said bridge across the River St. Lawrence, or the extensions of the said Rail-road leading to such bridge, so as they be respectively made and filed within the time hereinafter limited : nor shall it be necessary that the same or the surveys on which they are founded respectively, be made after the passing of this Act, but the said Company, if they think proper, may adopt any survey, map, plan, book, or any part thereof, made before the passing of this Act, so as the same be adopted and deposited after the passing hereof, and the same shall nevertheless bind the Company and all parties concerned as if made after the passing of this Act.

Within what
period the
map or plan
must be de-
posited and
the new
works com-
pleted.

IX. And be it enacted, That the said Company, to entitle themselves to all the benefits and advantages to them granted by this Act in so far as regards the extension and branches they are hereby authorized to make and build, shall, and they are hereby required to make and deposit the maps or plans or books of reference hereinbefore referred to within two years from the passing thereof, and to make and complete the said branches and extensions in manner aforesaid within six years from the passing of this Act : and if the said maps or plans and books of reference be not so made and deposited within the space of two years, or if the said branches and extensions shall not be so made and completed within the said period of six years, so as to be used by the public, then, and in either case, the benefits and advantages granted by this Act shall cease and determine in so far as regards the branch or extension which shall not be so completed, or with regard to which the map or plan and book of reference hereby required shall not be deposited within the period hereby limited for completing or depositing the same respectively.

Sect. 8 of 9
Vict. c. 82, re-
pealed, and

X. And be it enacted, That the eighth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road*

Rail-road Company, shall be and is hereby repealed, and that the said Company shall, at each and every place where the said branches or extensions, or any part of their Rail-road, shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "Rail-way-crossing," painted on each side of such sign-board, in both languages, and in black letters not less than six inches in length on a white ground; and for each and every neglect to conform with the requirements of this section, the said Company shall incur a penalty not exceeding Five pounds currency.

other provisions substituted.

XI. And be it enacted, That so much of the fifth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as provides that no locomotive shall be worked on the said Rail-road within the City of Montreal beyond Cemetery street, or that no car or carriage shall be drawn or propelled within the City beyond the point aforesaid by steam or atmospheric pressure or by any other power than that of horses or other animals attached to the car or carriages, be, and the same is hereby repealed; and in the place and stead thereof—Be it enacted, That the said Montreal and New York Rail-road Company shall not use, employ or work any locomotive, or car or carriage to be propelled or drawn by any power other than that of animals, within the City of Montreal and east of Cemetery street, except by the permission and authority of the Corporation of the City of Montreal first had and obtained.

Part of s. 5 of the said Act repealed, and other provisions substituted.

XII. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Rail-road, or any part of the same, may pass, and to fell or remove any trees standing in any woods, lands or forests to the distance of six rods from either side of said Rail-road, doing as little damage as may be, and making satisfaction in the manner provided by the said last mentioned Act to the owner or proprietor of or person interested in such land for all that he may lose or suffer by reason of such entry and felling or removing as aforesaid.

Company may fell trees near the Rail-road.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Rail-road with any other Rail-road or Rail-way, at any point on its route, and upon the lands of such other Rail-way or Rail-road, with the necessary conveniences for the purpose of such connection, and the owners of both Rail-ways may unite in forming such intersection, and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by

Company may intersect other Rail-roads.

Arbitrators

Arbitrators to be appointed by a Judge of the Superior Court in Lower Canada.

Recital.

Company to have a Steam Ferry from Lachine to Caughnawaga.

XIV. And whereas the said Montreal and New York Railroad Company have by law, right, power and authority to build, hold and use steamboats on the Rivers St. Lawrence and Ottawa, and it will be for the public good to afford the said Company every facility in the exercise of this right—Be it therefore enacted, That it shall be lawful for the said Company to hold a Steam Ferry from the wharf at their present terminus at Lachine, or from the point where the branch or extension of the said road may terminate at or near Leishman's Point, to the opposite or south shore of the said River, and to possess, employ and use any steamboat or steamboats, or any other vessel or vessels which may be necessary for the purposes of the said ferry, and for the transportation, carriage and conveyance of goods, chattels, merchandize, horses, cattle, carriages and passengers across the said river St. Lawrence between either of the said points on the north shore of the said River and the wharf and terminus of the said Company at Caughnawaga, at or near to the Indian Village on the Sault St. Louis, in the Seigniorship of the Sault St. Louis; subject nevertheless to the provisions and limitations hereinafter expressed.

Capital of the Company may be increased, and how.

XV. And to the end that the said Company may be enabled to construct the said intended branches and extensions of the said Rail-road, and erect and build the contemplated Bridge across the said River, and to establish and maintain a Steam Ferry from Lachine aforesaid, to Caughnawaga aforesaid—Be it enacted, That it shall and may be lawful for the said Company, from time to time, for all or for any one of the said branches, extensions, ferry and bridge, and whenever any one or more of them shall be undertaken by the said Company, to increase their Capital Stock to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two thirds in number and amount of the Shareholders present at a Meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, properly directed to him or her, and deposited in the Post Office of the City of Montreal at least twenty days previous to such meeting, and stating the time and place and object of such Meeting and the amount of increase of capital proposed; and the modes of calling special general meetings as well as general meetings for the above purpose or any other purposes of this Act shall be the mode prescribed by the Act incorporating the Montreal and Lachine Rail-road Company, and the Acts amending the same; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon, the Capital Stock, when the Capital Stock is the matter for consideration before such meeting, may be increased to the amount sanctioned by such vote.

XVI.

XVI. And be it enacted, That it shall and may be lawful for the said Company to borrow from time to time either in this Province, or elsewhere, such sums of money as they may deem requisite for completing, maintaining and working all, or any one of the proposed branches and extensions, or for completing and maintaining the proposed Bridge or Ferry, and at a rate of interest not exceeding eight per cent. per annum; the sums of money, so to be borrowed, not to exceed in amount the one half of the increase of the Capital Stock authorized as aforesaid with reference to the work for which the loan is to be raised, and actually subscribed for, and to make the Bonds and Debentures or other securities granted for the sums so borrowed, payable either in currency or sterling, and at such place or places within this Province or without, as may be deemed advisable, and to place the same at such premium or discount, as may be deemed expedient or found necessary; and to hypothecate, mortgage or pledge for the payment of the said sums and the interest thereon, the lands, tolls, revenues and all other property of the Company, or any part of the same not then mortgaged and hypothecated; and any of the said Debentures whereby it is intended to mortgage and hypothecate the Real Estate of the Company, may be in the form Number One annexed to this Act, or in any other form that may be determined upon by the Directors of the said Company: Provided always, that the form so determined upon by the said Directors of the said Company, shall contain a short description of the Real Estate of the said Company intended to be mortgaged or hypothecated similar to the description in form Number One, and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be issued by the said Company, or any part thereof that they may think proper, payable to bearer, and every Debenture so issued payable to bearer shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall, in all law proceedings and on all other occasions be held, until the contrary be proved, to be the proprietor of such Debenture, and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto.

Company may borrow money for the works authorized by this Act.

Form of Debentures.

Proviso.

Debentures may be payable to bearer.

XVII. And whereas in and by the said Act, intituled, *An Act to incorporate the Lake St. Louis and Province Line Rail-way Company*, and by the twenty-seventh section of the same, it was enacted, That the said Lake St. Louis and Province Line Rail-way Company might, from time to time, lawfully borrow, either in this Province or elsewhere, such sum or sums of money not exceeding at any time the sum of seventy-five thousand pounds currency, as they may find expedient, at any rate of interest not exceeding six per cent. per annum; and whereas in and by the said Act, intituled, *An Act to authorize the Union of the Montreal and Lachine Rail-road Company and the Lake St. Louis and Province Line Rail-way Company,*

Recital.

and

and for other purposes connected with the said Companies, and by the fourth section of the same, it was enacted, That it should be lawful for the said Lake St. Louis and Province Line Railway Company, or for the said Montreal and New York Rail-Road Company, as the case might be, to borrow the sum which the said first named company were empowered to borrow, by the twenty-seventh section of their Act of Incorporation, at any rate of interest not exceeding eight per cent. per annum: And whereas it is desirable to give to the said Montreal and New York Rail-road Company every lawful facility to borrow the said sum of seventy-five thousand pounds currency, and a further sum of twenty-five thousand pounds currency, and also, to give to the parties lending such sum of money, or any parts of the same, all proper and perfect security for the sum or sums of money so to be lent—Be it therefore enacted, That it shall and may be lawful for the said Montreal and New York Rail-road Company, to borrow (in addition to and apart from the sums they are empowered to borrow by the next preceding section) either in this Province or elsewhere, such sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds, as they may find expedient, and at such rate of interest not exceeding eight per centum per annum, as they may think proper, and to make the Bonds, Debentures or other securities they may grant for such sum or sums, payable in currency, or in sterling, and at such place or places within or without this Province, as they may deem advisable, and by such Bonds, Debentures or other securities, to mortgage, hypothecate or pledge the lands, and other property of the said Company, heretofore known as the Lake St. Louis and Province Line Rail-road, and the tolls and revenues arising therefrom, for the due payment of the said sums and of the interest thereon; and any of the said Debentures, whereby it is intended to mortgage and hypothecate the said real estate of the company, may be in the form Number One annexed to this Act, or in any form that may be determined on by the said Company, provided that the form so determined on contains a like description of the said real estate as is prescribed by and given in the said form Number One; and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be so issued by the said Company, or any part thereof that they may think proper, payable to bearer or to order, and every Debenture so issued payable to-bearer, shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall in all law proceedings, and on all other occasions, until the contrary be proved, be held to be the proprietor of such Debenture and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto: And any Debenture issued under this Act, whereby it is not intended to mortgage and hypothecate any of the real estate of the Company, may be in the form Number Two, to this Act annexed, or in any other form that may be determined on by the Directors of the said Company:

And

The Company may borrow the £75,000 which the Lake St. Louis and Province Line Rail-way Company were empowered to borrow.

Form of Debentures, &c.

Form of Debentures not bearing hypothec.

And it shall also be lawful for the said Company to grant such Debentures to any person or persons, corporation or corporations, to whom the said Company may be indebted or who may be willing to receive the same; Provido. that nothing herein contained shall defeat or in any way impair the effect of any Bond, Debenture, Obligation, Hypothec, Mortgage or other security heretofore granted by the said Company, or the rights or priority of privilege of the holder thereof: and Provido. provided always, that it shall not be lawful for the said Company to issue any Debenture payable to bearer under this Act for a less sum than one hundred pounds.

XVIII. And be it enacted, That the Registrar of the County of Montreal, and any other Registrar in whose office it may at any time hereafter be necessary to register any Debenture or Debentures, under this Act or any other Act, authorized to be made and issued by the said Company, or by either of the late Companies by the Union whereof the said Company was formed in order to give full effect thereto, and their Deputies respectively, are hereby empowered and required to enter and register any of the said Debentures which may be brought to be registered, on proof of the execution thereof by the oath of one witness, which oath any such Registrar, or his Deputy, is hereby authorized to administer; and if at any time after the registration of any such Debenture as aforesaid, the same shall be brought to such Registrar or his Deputy with the word "cancelled," and the signature of the President, or other duly authorized Director of the said Company, written across the face thereof, the said Registrar, or his Deputy, shall make an entry in the margin of the Register of Debentures hereinafter mentioned, against the Registry of such Debenture, to the effect, that such Debenture has been cancelled, adding the date of such entry, and shall thereupon file such Debenture to remain of record in the said Registry Office, in the same manner as Certificates of Discharge; Provido. that if the real property intended to be mortgaged or hypothecated by any such Debenture, shall extend into more than one County or place in and for which a separate Registry Office is or shall be appointed to be kept, it shall be sufficient to register such Debenture in the Registry Office of any one of such Counties or places, in order to preserve the hypothec or mortgage given by such Debenture on the whole of the property mentioned therein, and its priority according to the date of registration.

XIX. And to facilitate the registration of Debentures of the said Company, creating mortgage or hypothec—Be it enacted, That the Company may, at their own expense, deposit in any Registry Office wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form Number One annexed to this Act, bound together in a book, and having the pages thereof numbered and signed by the Secretary and Treasurer of the Company,

Company, and thereupon the Registrar and his Deputy shall be bound to receive and to use the same as one of the Registry Books of his office, and to register therein any Debentures of the said Company brought to him for registration by copying into the blanks in the said Registry Book of Debentures all the words and figures inserted in the Debentures presented for enregistrement, (neglecting all words and figures inserted in any *coupon*, for interest annexed to such Debenture,) instead of registering the said Debentures in the ordinary Registry Book of his office, any law or ordinance to the contrary notwithstanding ; and for such enregistrement of each of the said Debentures, the said Company shall pay to the said Registrar the sum of two shillings and six pence, and for the entry of cancellation of the same, the sum of one shilling, and no more.

Fees to Registrar.

Company to have power to become parties to promissory notes, &c.

XX. And be it declared and enacted, That the said Company have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange ; and any Promissory Note made or endorsed, and any Bill of Exchange drawn, accepted or endorsed by the President of the Company or any two of the Directors for the Company, and under the authority of a majority of a quorum of the Directors, with the counter signature of the Secretary of the Company, is and shall be binding upon the Company ; and every Promissory Note or Bill of Exchange, made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter signature of the Secretary of the Company as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown ; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange be thereby subjected individually to any liability whatever ; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Proviso.

Certain By-laws subject to approval of the Governor in Council.

XXI. And be it enacted, That no By-law of the said Company, to be hereafter made and by which any Tolls shall be fixed or directed to be taken for the conveyance of passengers, goods, wares or merchandize, on the said Rail-road, or which shall be intended to affect any party other than the Members, Officers and Servants of the Company, shall have force or effect until it shall have been sanctioned and confirmed by the Governor of this Province in Council, and published in the *Canada Gazette*, a copy whereof shall be proof of such By-law and of such sanction and confirmation in all Courts and places whatsoever :

whatsoever : Provided always, that the same tolls shall be payable at the same time and under the same circumstances upon all like goods, wares, merchandize and passengers, by the same class of carriages, so that no undue privilege or monopoly may be afforded to any person, or class of persons, by any By-law relating to tolls ; and, subject to such approval as aforesaid, it shall be lawful to provide by any such By-law, that any person committing any infraction of the same in any car or carriage on the said Rail-road or in any Steamboat or Vessel belonging to the Company, or refusing to pay his lawful fare when called upon, may be put out of such car, carriage, boat or vessel by the Servants of the Company at the then nearest station or landing place, and such fare shall always be payable as soon as the passenger shall enter the car, carriage, steamboat or vessel, whatever be the distance to which such passenger intends to proceed, subject to his recourse against the Company if they fail to convey him to the place to which he has paid his fare.

XXII. And be it enacted, That, subject to the foregoing provisions, the tolls payable to the said Company for ferriage, of freight, and passengers on the said Ferry, and for the conveyance of all passengers and goods transported upon the said Rail-road, shall be established, and payment thereof enforced as follows :

Firstly—The tolls shall be those from time to time fixed by the By-laws of the Company, and shall and may be demanded and received for all passengers and goods transported upon the Rail-road or in the Steam Vessels to the Company belonging, and shall be paid to such persons and at such places near to the Rail-road, or on such Steam Vessels in such manner and under such regulations as the By-laws shall direct : and in case of denial or neglect of payment of any such tolls or any part thereof on demand, to such persons, the same may be sued for and recovered in any competent Court, or the Agents or Servants of the Company may and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof : and in the meantime the said goods shall be at the risk of the owner thereof, and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus if any of the money realised from such sale, or such of the goods as may remain unsold, to the person entitled thereto ; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem

deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto, and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto: and all or any of the said tolls may by any By-law be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval as aforesaid.

Fractions in distance or weight.

Secondly—In all cases, a fraction of a mile in the distance over which goods or passengers shall be transported on the Rail-road or in the vessels of the Company, shall be counted as a whole mile, and a fraction of a quarter of a ton in the weight of any goods as a whole quarter of a ton, and a proportion of the tolls shall be demanded and taken according to the number of quarters of a ton contained therein.

Certain By-laws to be publicly exposed.

Thirdly—The Directors shall from time to time print and stick up or cause to be printed and stuck up in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any passenger, matter or thing; and also a copy of all By-laws affecting others than the Members, Officers and Servants of the said Company, and all passengers in any such car shall be held to have had full cognizance of all notices, by-laws and things so stuck up in any car.

May lease Rail Road and moveables to or from any other Railway Company.

XXIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Rail-way Company either in this Province or in any foreign state, for leasing the said Rail-road or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Rail-road or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Rail-road or of the moveable property of the said Company, or of the Rail-road and moveable property of such other Company in common by the two Companies, or generally to make any agreement

agreement or agreements with any such other Company touching the use by one or the other or by both Companies of the Rail-road or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Rail-Road Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Rail-Road between this Province and a foreign state, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

XXIV. And be it enacted, That the number of Directors of the said Company shall be thirteen, of whom five shall form a quorum, as provided by the ratified propositions hereinbefore mentioned; and that for and notwithstanding any thing in any of the Acts hereinbefore cited, the Directors of the said Company shall make By-laws for the management and disposition of the stock, property, business and affairs of the said Company not inconsistent with the laws of this Province, and for the appointment of all Officers, Servants and Artificers, and providing their respective duties, and may amend or repeal any By-law of the Company, and may make others instead thereof, subject to the approval of the Governor in Council in the cases hereinbefore provided for: and all By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they were adopted, and shall be kept in the Office of the Company; and in like manner so often as any change or alteration shall be made to the same; and such By-laws so made by the Directors shall not require confirmation by the Stockholders of the said Company by or at any general Meeting thereof, except any By-law reducing the amount of Stock forming the qualification of a Director; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof.

Number of
Directors.

Quorum.
Directors to
make By-
laws.

Exception.

XXV. And be it enacted, That the number of votes to which each Proprietor of shares in the stock of the said Company shall be entitled, on every occasion when the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say, one vote for each share less than fifty: Provided always that no one Proprietor as aforesaid, shall have more than fifty votes; and provided also, that a share or shares that shall have been held for a less period than three calendar months immediately prior to any such occasion shall not entitle the holder or holders to

Votes of
Stockholders,
&c.

Proxies.

vote

vote on such occasion either in person or by proxy, and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy if he, she, or they shall see fit, provided that each proxy do produce from his constituent or constituents, an appointment in writing or printed, in the words or to the effect following, that is to say :

Form of
Proxy.

I, _____ of _____ one of the Proprietors of (old Stock or new Stock, *as the case may be*) of the Montreal and New-York Rail-road Company, do hereby nominate, constitute and appoint _____ of _____ to be my proxy in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the Members of the said Company, or any of them, in such manner as he the said _____ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand the _____ day of _____ in the year _____

Majority to
decide ques-
tions.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters, or things shall be proposed, discussed or considered in any public meeting of the Shareholders, shall be determined by the majority of votes and proxies then present, and as given as aforesaid, and all decisions and acts of any such majority shall bind the said Company.

Sales of
Shares.

XXVI. And be it enacted, That sales of the shares of the Capital Stock of the said Company shall be in the form following, varying the names and description of the contracting parties as the case may require :

Form.

I, A. B. in consideration of the sum of _____ paid to me by C. D. of _____ do hereby bargain, sell and transfer to the said C. D. _____ shares (or shares of the old Stock, or new Stock, *as the case may be*) of the Montreal and New-York Rail-Road Company, to hold to him, his heirs, executors, curators, administrators or assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D. do hereby agree to accept of the said _____ (share or shares) subject to the same rules, orders and conditions. Witness our hands this _____ day of _____ in the year _____

Treasurer and
Secretary ;
their appoint-
ment and du-
ties.

XXVII. And be it enacted, That it shall and may be lawful for the said Directors of the said Company, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Secretary or Secretaries, or to appoint one person

person to be Secretary and Treasurer to the said Company, and in their discretion to remove any such Secretary or Treasurer, taking such security for the due execution of their respective Offices as the said Directors shall think proper; and such Secretary shall, in a proper Book or Books, enter and keep a true and perfect account of the names and places of abode of the several proprietors of the said Rail-Road and other works, and of the several persons who shall, from time to time, become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company, and of the Directors for the time being under the authority of this Act, or of the Acts herein recited.

XXVIII. And be it enacted, That Copies of the By-laws, Rules and Regulations of the Company, or of Minutes of Proceedings and Resolutions of the Shareholders of the Company, at any General or Special Meeting, and of Minutes of Proceedings and Resolutions of the Directors at their Meetings, and of the propositions and agreement for the union of the two then existing Companies made and ratified under the Act first cited in the Preamble to this Act, extracted from the Minute Books kept by the Secretary of the Company, and by him certified to be true Copies extracted from such Minute Books, shall be *prima facie* evidence of such By-laws, Rules, Regulations, Proceedings and Resolutions, in all Courts whatever, and all Notices given by the Secretary of the Company, by order of the Directors, shall be deemed Notices by the said Directors and Company.

Certified copies of By-laws, &c., to be *prima facie* evidence thereof, &c.

XXIX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the said Rail-road, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act: and all persons by any means or in any manner or way whatsoever, obstructing or interrupting the free use of the Rail-way, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, be punished by imprisonment in the common gaol of the District or County where the conviction shall take place, or in the Provincial Penitentiary, for a term not to exceed five years; and all persons wilfully and maliciously, and to the prejudice of the Rail-road, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, dépôts, wharves, vessels, fixtures, machinery or other works or devices, incidental and relative thereto, or connected therewith, or doing any

Suits for damages to be brought within a certain time.

Penalties on persons obstructing Rail-way, &c.

any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Rail-road, vessels or works, or obstructing, hindering or preventing the making, carrying on, completing, supporting and maintaining the Rail-road, vessels or works, shall be adjudged guilty of a misdemeanor, (unless the offence committed shall under some other Act or Law amount to a felony, in which case such person shall be adjudged guilty of a felony,) and the Court by and before whom the person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor, or felony, (as the case may be) are directed to be punished by the laws in force in this Province; and all fines and forfeitures imposed by this Act or any other Act hereinbefore cited, or relating to the said Company, which shall be lawfully imposed by any By-law, the levying and recovery of which are not particularly herein directed, shall be recovered upon proof of the offence, before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the parties, or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, and shall be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal, or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the said Company, to be applied to the use thereof, and the overplus of the money so raised, and after deducting the penalty and expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol for the County or District in which he shall have been convicted, there to remain without bail or main prize, for such term, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied; but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County or District: And all contraventions of this Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture of the privileges conferred on them by this Act and the Acts hereinbefore cited, if by the provisions thereof, or by law, the same be forfeited by such contravention.

Penalties
how recover-
able.

How to be ap-
plied.

Imprisonment
in default of
payment &c.,

Appeal.

All contra-
ventions of
this Act to be
a misdemea-
nor, &c.

Company to
convey

XXX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by the
Post

Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company, if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all Artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables and others travelling on Her Majesty's service, on their said Railroad, on such terms and conditions and under such regulations as the said Company and the said Post Master General, the Commander of the Forces, or person commanding any Police Force respectively shall agree upon, or if they cannot agree, then on such terms and conditions, and under such regulations as the Governor in Council shall make: provided always, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make with regard to the carriage of the said Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Troops, Mails, &c., on certain terms.

Proviso.

XXXI. And be it enacted, That this Act shall be and be deemed to be a Public Act.

SCHEDULE.

Form Number One referred to in the foregoing Act.

MONTREAL AND NEW YORK RAIL-ROAD COMPANY
LOAN FOR

No.	£	Cy. or Stg.
-----	---	-------------

PROVINCE OF CANADA.

This Debenture witnesseth that the Montreal and New York Rail-road Company, under the authority of the Act passed in the sixteenth year of Her Majesty's reign, and intituled, *An Act to authorize The Montreal and New York Rail-road Company, to extend their Rail-road, and to acquire the land necessary for such extension, and for other purposes relative to the said Company*, have received from A. B. of

&c., the sum of _____ currency (or sterling) as a loan to bear interest from the date hereof, at the rate of _____ per cent. per annum, payable half yearly, at the _____ on the _____ day of _____ and the _____ day of _____;

which said sum of _____ the said Company hereby bind and oblige themselves to pay on the _____ day of _____ to the said A. B. or to the bearer hereof, at _____ and to pay the interest thereon half yearly as aforesaid, on the presentation of the annexed *coupons*, or interest warrants, also at the place aforesaid.

And

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute, do hereby mortgage and hypothecate that part of the real estate and appurtenances of the said Company hereinafter described, that is to say: The Rail-road formerly known as the Lake St. Louis and Province Line Rail-road, and all the lands purchased or taken for the same; and the buildings, wharves and appurtenances thereon constructed or erected, lying partly in the County of Huntingdon and partly in the County of Beauharnois, in the District of Montreal, (*or as the case may be,*) the extension of the said Rail-road connecting the Rail-road heretofore known as the Montreal and Lachine Rail-road with the Rail-road heretofore known as the Lake St. Louis and Province Line Rail-road, and including the Bridge across the River St. Lawrence, forming part of the same, and the buildings, wharves and appurtenances thereon erected or constructed, lying partly in the County of Huntingdon and partly in the County of Montreal, in the said District of Montreal, (*or, as the case may be,*) the extension of the said Rail-road from a point at Lachine on that part thereof formerly known as the Montreal and Lachine Rail-road, to the Terminus at or near Leishman's Point, with all the wharves, buildings and appurtenances thereon erected or constructed, lying in the County of Montreal, in the District of Montreal.

And this Debenture is granted for the said sum of as being part of a loan of pounds, which the said Company, is authorized to raise under the aforesaid Statute: And to secure to all holders of the Debentures issued for the said loan, a first and equal privilege of mortgage or hypothec, the same have been registered simultaneously according to law.

In testimony whereof, I, (*or we*) of the said Company, authorized by a resolution of the Directors of the said Company, in that behalf, passed on the day of 18, (*giving the name of the President and Directors authorized in the manner sanctioned by 6th Sec. 10 and 11 Vict. cap 63*) have signed these presents, and have hereunto affixed the Common Seal of the said Company, at the City of Montreal, this day of Countersigned.

Secretary and Treasurer.

(*President or Director.*)
(*as the case may be.*)

ENDORSEMENT.

I certify that this Debenture was duly registered in the Registry Office of the first (*or second, as the case may be*) Registration District of the County of Huntingdon, (*or, as the case may be,*) in the District of Montreal, on the day of 18, at of the clock in the

the noon, in the Registry of Debentures, deposited in this Office, in conformity with the Statute, page

Registrar or Deputy Registrar.

No. 2.

Referred to in foregoing Act.

**MONTREAL AND NEW YORK RAIL-ROAD COMPANY
LOAN.**

No. £ Cy. or Stg.

This Debenture witnesseth that the Montreal and New York Rail-road Company, under the authority of the Provincial Statute, passed (*giving the year and title of the statute to which this form is annexed.*) have received from A. B., of the sum of as a Loan, to bear interest from the date hereof at the rate of per cent. per annum, payable half yearly, on the day of which sum of pounds currency, the said Company hereby bind and oblige themselves to pay on the to the said A. B., or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid.

In testimony whereof, I, (*or we, giving the name of the President or Directors authorized in the manner sanctioned by the 6th Sec. 10 and 11 Vic. cap 63,*) have hereunto affixed the common Seal of the said Company, at the City of Montreal, this day of one thousand eight hundred and

(Signature.)

Countersigned.

(*President or Directors.*)

Secretary and Treasurer. (*as the case may be.*)

C A P . X L V I I .

An Act to amend an Act passed in the eighth year of the Reign of Her Majesty, to incorporate *The Saint Lawrence and Atlantic Rail-road Company*, and to extend the powers of the said Company.

[10th November, 1852.]

WHEREAS by an Act of the Legislature of this Province Preamble. passed in the eighth year of Her Majesty's Reign, intituled, *An Act to incorporate the St. Lawrence and Atlantic Rail-road Company*, the said Company was empowered to construct a Rail-road from the River St. Lawrence, opposite to the City of Montreal, in the general direction of St. Hyacinthe and Sherbrooke, to the boundary line between this Province and the United States of America, at such point or place of

Connecting
point of Rail-
road in Ver-
mont.

Company
may contract
with Atlantic
and St. Law-
rence Rail-
road Com-
pany.

Bonds may
issue for
£125,000.

of the said boundary line near the Connecticut River, as that the said Rail-road might best connect with the Atlantic and St. Lawrence Rail-road, to be constructed from Portland, in the State of Maine, to the said boundary line, there to connect with the St. Lawrence and Atlantic Rail-road; and whereas it hath been found that, from the nature of the country in the neighbourhood of the boundary line of the Province, and other existing circumstances, such best connection of the said St. Lawrence and Atlantic Rail-road with the said Atlantic and St. Lawrence Rail-road must be had at a point beyond the said boundary line and within the County of Essex, or the County of Orleans, in the State of Vermont, one of the United States of America: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That the said St. Lawrence and Atlantic Rail-road Company shall have power and authority to enter into all such contracts and agreements with the said Atlantic and St. Lawrence Rail-road Company, and all other bodies corporate and persons as may be found necessary, in the adoption of the said best point of connection of the said St. Lawrence and Atlantic Rail-road with the said Atlantic and St. Lawrence Rail-road, and to secure the speedy construction and completion of the portion of the said St. Lawrence and Atlantic Rail-road, and the works connected therewith, to be constructed between the intersection by the said Rail-road of the Boundary line of the Province and the said best point of connection: And that in accordance with the prayer of the said St. Lawrence and Atlantic Rail-road Company, the said Company shall be and are hereby authorized and empowered to make such best connection at the said point within the said County of Essex or County of Orleans, and to construct and maintain, or assist in the construction and maintenance of the portion of their Rail-road which shall extend from the said boundary line to such best point of connection; and for such purpose to issue their bonds, notes or other securities, in the same manner as the said Company is now by law authorized to do, provided the amount to be so issued do not exceed the sum of one hundred and twenty-five thousand pounds; and to advance to the said Atlantic and St. Lawrence Rail-road Company, or other bodies corporate or persons, such sum or sums of money, and to become party to, and sign, endorse or guarantee such bonds, notes or other securities of the said Atlantic and St. Lawrence Rail-road Company as may be required, provided the amount of such liabilities does not as aforesaid exceed the sum of one hundred and twenty-five thousand pounds; and to accept, receive and hold any mortgages
or

or other securities over, and any rights in, the said portion of the Road, or in the Tolls, profits and revenues thereof, either by or through the Officers of the said St. Lawrence and Atlantic Rail-road Company, or by means of Trustees to be by the said Company appointed for that purpose, and to become lessees of the said portion of the Road, under such terms and for such periods as may be agreed upon; and such debts, mortgages, securities, rights, tolls, profits and revenues, and such lease to convey and transfer to any person or body politic or corporate so as to secure the repayment of any sum or sums of money advanced to or upon the credit of the said St. Lawrence and Atlantic Rail-road Company, for the purposes of this Act, and generally to do and perform all matters and things whatsoever necessary or incidental in the promotion of the construction of the said portion of the said Road and in the recovery of any moneys raised, advanced or guaranteed as aforesaid.

Corporate powers.

II. And be it enacted, That in so far as may be consistent with the laws of the State of Vermont now, or which may hereafter be in force, the said St. Lawrence and Atlantic Rail-road Company are hereby authorized to acquire, hold, own, construct, maintain and use the said portion of the said Rail-road, extending from its intersection of the boundary line of the Province to the said best point of connection, with all and every the works, buildings and appurtenances connected therewith, as owners and proprietors thereof, with all and every the powers and authorities vested in the said Company as to the portion of the said Rail-road, extending from the River St. Lawrence to the said boundary line: Provided always, that this Act shall not authorize or be construed to authorize the said Company, nor shall the said Company have power to lessen or impair the hypothecary or privileged rights and claims of the Provincial Government, or other parties upon the whole or any part of the said Rail-road within this Province, for the payment of any sum or sums guaranteed, loaned or advanced, or which may hereafter be guaranteed, loaned or advanced to the said Company by the Government or other parties under any Act or Statute of this Province now in force, or which may be hereafter in force; but the said rights and all other rights and claims of the Government and all other parties shall be preserved and maintained, notwithstanding any matter or thing to be done under or by virtue of this Act.

Privileges.

Rights of Provincial Government saved.

III. And be it enacted, That the said Saint Lawrence and Atlantic Rail-road Company shall release the Stockholders of that Company who now reside within the County of Stanstead from the Stock which they have subscribed in such Company, and shall refund to such Stockholders all sums which they have paid for and on account of such Stock, together with legal interest thereon; Provided that such Stockholders who may so desire to be released, shall, within one month from and after

Company to release Stanstead Stockholders.

after the passing of this Act, give notice to the said Company of their intention to claim such release and re-payment.

Public Act. IV. And be it enacted, That this Act shall be deemed a Public Act.

C A P. X L V I I I.

An Act to amend and extend the Act incorporating a Company for making a Rail-road from the Village of Industry to the Township of Rawdon, in Lower Canada.

[10th November, 1852.]

Preamble.

13 & 14 V. c.
115.

Part of s. 24
repealed.

Company
may pay inter-
est not
exceeding 8
per cent.

WHEREAS it is expedient to amend and extend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act for making a Rail-road from the Village of Industry to the Township of Rawdon, in Lower Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the twenty-fourth Section of the Act above recited, as limits the interest which may be paid by the aforesaid Company on securities to be granted by them, to the rate of six per centum per annum, shall be and is hereby repealed, and that it shall be lawful for the said Company to borrow money to the amount and in the manner provided in the said Act above recited, and to pay interest thereon at any rate not exceeding eight per centum per annum.

English rules
of evidence to
apply in cases
where the
Company is a
party, &c.

II. And be it enacted, That in all suits at law brought by or against the said Company, recourse shall be had as to evidence, to the law of England, as recognized by the Courts of Lower Canada in commercial cases; and that no witness shall be held to be incompetent to give evidence by reason of his being a Shareholder in the said Company.

Public Act.

III. And be it enacted, That this Act shall be deemed and taken to be a Public Act.

C A P. X L I X .

An Act to extend the provisions of the eighteenth Section of *The Rail-way Clauses Consolidation Act* to the Act incorporating *The Peterborough and Port Hope Rail-way Company*.

[10th November, 1852.]

WHEREAS the Municipal Councils of the Town of Port Hope and of the Townships of Hope and Cavan, in the County of Durham and of the Township of South Monaghan, have by their petitions set forth that they are desirous of subscribing for shares in the stock of *The Peterborough and Port Hope Rail-way Company*, under the provisions of the eighteenth Section of *The Rail-way Clauses Consolidation Act*; but that they have been advised that the provisions of the said Section do not extend to the said Company, inasmuch as the same was incorporated before the passing of *The Rail-way Clauses Consolidation Act* aforesaid, and have prayed that the said provisions and certain other provisions of the said Act may be extended to the Company and the Rail-way to be made by them; And whereas it is expedient to extend the provisions aforesaid to the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the ninth Section headed "Powers," the eighteenth Section headed "Municipalities," and the nineteenth Section headed "Shareholders," of *The Rail-way Clauses Consolidation Act*, and all the provisions thereof respectively, shall apply to *The Peterborough and Port Hope Rail-way Company* aforesaid, and the Rail-way authorized to be made by the said Company, and shall be and are hereby incorporated with, and shall make part of the Act of Incorporation or Charter of the said *The Peterborough and Port Hope Rail-way Company*, and such Act of Incorporation or Charter shall be held to be referred to in the said Sections by the expression, "the Special Act," whenever it occurs therein; Provided always, that any Municipality desirous of aiding in the construction of the said Rail-way, shall and may in addition to the powers conferred hereby, be at liberty to do so, by passing a By-law for the purpose, in the manner prescribed by and subject to the provisions of any Act that may be passed during the present Session, to establish a consolidated Municipal Loan Fund for Upper Canada.

Preamble.

Sec. 18 of 14 & 15 V. c. 51, extended to the said Company and to Companies incorporated before the passing of the said Act.

Declaratory
clause as to
commence-
ment of this
Railway.

II. And whereas doubts might arise as to whether the proceedings had and things done by the Peterborough and Port Hope Rail-way Company, amount to a commencement of their Rail-way within the meaning of the provisions hereinafter referred to; for the avoidance of such doubts—Be it declared and enacted, that the period limited by the thirty-first section of the Act passed by the Legislative Assembly and Legislative Council of this Province, in the ninth year of Her Majesty's Reign, but assented to by Her Majesty in Council in the tenth year of Her Reign, and intituled, *An Act to incorporate the Peterborough and Port Hope Rail-way Company*, as that within which the Rail-way therein mentioned was to be commenced, shall be and is hereby extended to the term of four years from the passing of this Act, and the said Act shall be construed and have effect as if the said period had been limited for the purpose aforesaid, by the said section, instead of the period of four years from the passing of the said Act, as therein contained.

Meeting to
elect Direct-
ors.

III. And be it enacted, That on the second Monday in January next, a Meeting of the Stockholders shall be held at Graham's Inn, in the Township of Cavan, who in the manner in the said Act provided, shall proceed to elect Nine Directors, who shall elect by ballot, one of their number to be their President, and who shall continue in office until the next Annual Meeting of the Company, and who during such continuance in office, shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election.

Place of meet-
ing.

IV. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted at such place as the Directors or a majority of them, shall from time to time agree upon and appoint, any thing in the twentieth section of their Act of Incorporation to the contrary notwithstanding.

C A P. L.

An Act to amend the Charter of the Erie and Ontario Rail-road Company.

[10th November, 1852.]

Preamble.

WHEREAS the Erie and Ontario Rail-road Company have by their Petition prayed that the Act passed by the Legislature of the late Province of Upper Canada, in the fifth year of the Reign of his late Majesty King William the Fourth, intituled, *An Act to incorporate certain persons therein mentioned under the name and title of the Erie and Ontario Rail-road Company*, may be amended, so as to empower the said Company in their discretion to alter the route of their present road, and to extend the same to the Niagara River at or near the Town of Niagara, and to increase the Capital Stock of the said

Act of U. C.
5 W. 4. c. 19.

said Company and for other purposes ; And whereas it is desirable that the prayer of the said Petition should be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Act or any other Act of the Parliament of this Province contained, it shall and may be lawful for the said Company and they are hereby authorized to vary or alter in their discretion the line or route of their present road in any part thereof, and to pass by or near the Niagara Falls' Suspension Bridge, and thence to the Queenston Mountain at the ravine leading to St. Davids, or at such other point as they may deem most advisable, and thence to continue the said road in a direct course or such other course as they may see proper to the said Niagara River at or near the said Town of Niagara, and to extend one or more branches thereof from such point or points on their said road as they may deem advisable to the said Suspension Bridge, to the Clifton House, and to the Village of Queenston, if they deem it expedient ; and they are hereby given and granted the same rights and powers to enter into, survey and procure title to the lands required for the purposes of the said Company as regards such altered or changed route of the said road, as well as in respect to the extension of the same as are provided for in and by the original Charter of the said Company in relation to entering upon, surveying and procuring title to lands generally for the purposes of the said Company.

The Company may vary the line of their road so as to pass through or near certain places.

II. And be it enacted, That notwithstanding as aforesaid, the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of the said recited Act or of this Act, shall not exceed the sum of One hundred and fifty thousand pounds, with a privilege to the said Company of extending the amount of said Capital to the amount of Two hundred and twenty-five thousand pounds in the event of the extension of the works to Lake Erie, as provided for in and by the original Charter ; and that such Capital or Stock of One hundred and fifty thousand pounds or Two hundred and twenty-five thousand pounds (if increased) be held in Twelve thousand or Eighteen thousand shares of Twelve pounds ten shillings each, and such share 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.

Capital of the Company increased.

Further increase authorized.

Amount of each share ; shares to be personalty, and transferable.

Proportion of
votes to
shares.

III. And be it enacted, That the election of Directors for the said Company shall be held at the time and place and on the notice prescribed by the Act incorporating the said Company ; but at each election of Directors held after the passing of this Act, each Stockholder shall be entitled to the number of votes proportioned to the number of shares of Stock which shall stand in his or her name at the time of holding such election, any thing in the original Charter of the said Company to the contrary notwithstanding ; 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 Three thousand shares of the Capital Stock of the said Company shall have been subscribed and the first instalment paid thereon, and that from and after such first election the now Directors of the said Company, or the Directors for the time being elected under the original Charter, 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 this Act ; Provided nevertheless, that the same notice shall be given of such last mentioned election of Directors as is required to be given in and by the original Charter.

Proviso :
First election
of Directors.

Proviso.

Company
may contract
with any
Bridge Com-
pany, or keep
vessels of
their own,
for certain
purposes.

IV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge Company to transport passengers and freight across, and to and from the said Niagara River at any point between Lake Ontario and the South-western terminus of their said road, and to pay such compensation therefor as they may think proper, and to construct, own or employ, at the cost and charge of the said road, a steamboat or steamboats for the transportation of passengers and freight from the termini of the road of the said Company to any point or points on the Niagara River or Lake Erie or Lake Ontario, that the Directors may deem expedient for the purpose of connecting with their said road.

Company
may borrow
money, and
issue Debentures,
pledge their
property, &c.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, either in this Province or elsewhere, to borrow such sums of money as may be expedient for completing, maintaining and working the said Railway, and at a rate of interest not exceeding six per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in Currency or in Sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage, or pledge the lands, titles, revenues and other property of the Company for the due payment of the said sums and the interest thereof ; but no such Debenture shall be for a less sum than Twenty-five pounds ; and the Directors of the said Company may confer upon the holders of any such Bond, Debenture or other security issued by the Company as aforesaid, the right to convert the principal due

or owing thereon into Stock of the said Company at any time not exceeding ten years from the date thereof, under such regulations and on such conditions as the said Directors may see fit to adopt or impose.

VI. And be it enacted, That it shall be lawful for the said Company to cross, intersect, join and unite their Rail-way with any other Rail-way at any point on its route or branches, and upon the lands of such other Rail-way with the necessary conveniences for the purposes of such connection ; and the owners of both Rail-ways shall unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators in the manner provided for by the original Charter in respect to ascertaining and determining the value of lands taken by the said Company for the purposes of the said road ; and the said Company have hereby full power and authority to carry their said road along and upon any road allowance or existing highway, provided they shall obtain the consent of the proper Municipal authority therefor, and shall leave an open and good passage for carriages thereon ; Provided always, nevertheless, that it shall be lawful for the said Company merely to cross the said road allowance or highway in the line of their Rail-way without the necessity of obtaining any such consent as aforesaid.

Company may form a junction with the Rail-way of any other Company : terms to be fixed by agreement or arbitration.

Proviso.

VII. And be it enacted, That every Shareholder in the said Company, whether a British Subject or Alien, or a resident in Canada or elsewhere, has and shall have equal right to hold Stock in the said Company, to vote on the same, and to be eligible to office in the same Company.

Aliens may vote and hold office in the Company.

VIII. And be it enacted, That it shall be lawful for any Municipal Corporation within whose jurisdiction the said Rail-road, or any part of it may be made, to subscribe and hold such amount of shares on the said Capital Stock of the said Company as they may deem expedient ; or they may lend their assistance by loaning money to such Company, or in any other manner that to them may seem meet, in aid of making, constructing or completing the said Rail-road or any part thereof, subject always and in conformity with such Laws as are now in force or may be passed during the present Session of Parliament respecting the terms and conditions on which Municipalities may take Stock in or make loans in behalf of any undertaking or work to be carried on in this Province ; and the Stock so subscribed by such Municipal Corporation shall be represented by the Mayor, Warden or Reeve for the time being of such Municipal Corporation, or by such person as said Municipal Corporation may appoint for that purpose, and such Mayor, Warden, Reeve or person so appointed as aforesaid, shall be *ex officio* a Director of the said Company in addition to

Certain Municipal Corporations may subscribe for Stock, or otherwise assist the Company.

How such Stock shall be represented.

the Directors now by Law authorized to be elected, but such Municipal Corporation being represented by an Officer *ex officio*, shall not be entitled to vote at any election of Directors in respect to the Stock subscribed for or held by such Municipal Corporation, but at all other Meetings of the said Company the said Mayor, Warden, Reeve, or person so appointed as aforesaid, shall be entitled to vote in like manner and to the same extent as any other Director of the said Company; any law or usage to the contrary thereof notwithstanding.

Company may hold certain Real Estate.

IX. And be it enacted, That in addition to the Real Estate which the said Rail-road Company is now by Law authorized to hold, it shall also be entitled to have and hold all such Real Estate as may be necessary for Wharves, Docks, Warehouses, Engine Houses and Workshops, at the terminus on the Niagara River and Lakes Erie and Ontario, and at the River Welland.

Inconsistent enactments repealed.

X. And be it enacted, That all enactments in the original Charter of the said Company, and all Acts or laws inconsistent with the provisions of this Act, shall be and the same are hereby repealed, but in so far only as the same apply or may be held to apply to any thing provided for in this Act.

Effect of Sales of the Road or Stock.

XI. And be it enacted, That any Sale or Sales of the Rail-road or the Stock therein heretofore or hereafter *bonâ fide* made, to satisfy any *bonâ fide* debt or debts due by the said Company, shall vest the ownership thereof in the *bonâ fide* purchaser or purchasers thereof, together with all and singular the property, privileges and appurtenances thereunto belonging; Provided that any such Sale or Sales made or to be made, shall not be held to extinguish any legal debt or debts due and owing by the said Company, but the rights of all Creditors of the said Company shall be and are hereby declared to be preserved to them, to the same extent and in like manner as they existed prior to the passing of this Act.

Proviso.

Craft may use Company's wharves, paying the Tolls.

XII. And be it enacted, That all or any Steamboat or Steamboats, Schooner or Schooners and all other Craft shall have full liberty to touch at, moor to and use the wharves and docks of the said Company, at all reasonable times, upon payment of the usual rates or charges fixed or to be fixed by the said Company therefor.

C A P. L I.

An Act to amend the Act incorporating the *Ontario, Simcoe and Huron Rail-road Union Company*.

[10th November, 1852.]

Preamble.

WHEREAS it is desirable to amend the Act passed in the twelfth year of Her present Majesty's Reign, intituled, 12 Vic. c. 196. *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union*

Union Railroad Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the said Act as relates to the raising of funds for the construction of the Railroad therein mentioned by means of allotments by chance or distribution of prizes, shall be and the same is hereby repealed. Lottery clauses repealed.

II. And be it enacted, That the Directors of the said Company shall and they are hereby required, within two weeks after the passing of this Act, to call a meeting of the Shareholders of the said Company, at the City of Toronto, to be held within five weeks after the passing of this Act, for the purpose of electing Directors, and they shall cause notice of the time, place and object of such meeting to be published in at least two newspapers published in the said City, fourteen days previous to the holding the same; and at such meeting the Shareholders assembled, with such proxies as shall then be present, shall choose eleven persons, being each a proprietor of not less than twenty shares, to be Directors of the said Company; and that this clause shall stand in the place of the twenty-fifth clause of the said Act, which said twenty-fifth clause is hereby repealed. Meeting to be called for the election of Directors. Sect. 25 repealed.

III. And be it enacted, That the Directors so elected, or those appointed or elected in their stead in case of vacancy, as in the said Act of Incorporation is provided for, shall remain in office until the first Monday in the month of June following after their election or appointment, and that on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an annual General Meeting of the Proprietors of the said Company shall be held at the Office of the Company for the time being, to choose Directors in the room of the preceding Directors who shall then go out of office: Directors' term of office. Provided always, that the retiring Directors who shall be duly qualified shall be eligible to be re-elected from time to time. Proviso.

IV. And be it enacted, That the number of votes which each proprietor of shares in the said Company shall be entitled to give on any occasion, when he shall be legally authorized to vote, shall be as follows: that is to say, one vote for every share not exceeding one hundred; a further vote for every additional five shares over one hundred shares, up to five hundred shares; and a further vote for every additional ten shares over five hundred: Provided that no proprietor or corporation shall be entitled to give a greater number of Proportion of votes to shares. Proviso. votes

Proviso. votes than five hundred; and provided, further, that nothing herein contained shall be held to prevent the City of Toronto and the County of Simcoe having each a Director in the said Company, under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and chaptered eighty-one: Provided always, that if any of the original Shareholders in the Company, excepting always Messrs. Storey & Co., the Contractors for the said Road, the City of Toronto and the County of Simcoe, shall, within three months after the passing of this Act, apply for the repayment of any instalment paid in cash by them or any of them, to the said Company on the shares for which they have subscribed, the Directors of the Company shall on demand refund the amount so paid and the said shares shall thereafter be considered cancelled.

No vote until all calls are paid. V. And be it enacted, That no Shareholder shall be entitled to vote on any occasion until all calls or instalments legally called in and due by him are paid.

Company may erect Cattle-guards instead of Gates. VI. And be it enacted, That the said Company may, instead of erecting Gates on each side of the Rail-road, where it crosses the public highway, as required by the fourteenth Section of the Act first above cited, erect cattle guards at such road crossing as shall appear more conducive to the public safety and convenience; and provided always, that the Board of Rail-way Commissioners shall approve of the same.

Proviso.

Recital.

Things done by present Directors confirmed.

VII. And whereas doubts have arisen as to whether the Directors named in the said first above cited Act and their successors had or have authority to contract for the construction of the said Rail-road, and generally to act in the premises, and it is desirable to set at rest such doubts; Be it therefore enacted, That each and any act, matter or thing heretofore done or to be done by such Directors and their successors, shall be held and taken to be valid to all intents and purposes, as if any such act, matter or thing were done by Directors duly qualified under the provisions of the twenty-fifth clause of the said Act, and provided such acts, matters and things, were within the power and authority of such Directors.

Recital.

Company empowered to construct a harbor at or near the terminus of their road on Lake Huron.

VIII. And whereas it is expedient to construct at or near the terminus of the Rail-road on Lake Huron a Harbor for the convenience of the Public and facilitating the traffic of the Road; Be it enacted, That the said Company are hereby authorized and empowered to construct a Harbor at or near the northern terminus of the said Rail-road on Lake Huron, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Huron, and also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as shall be necessary, useful and proper for the

the protection of such Harbor, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen and dredge the said Harbor from time to time as may be found expedient and necessary, and also a Dry Dock or Rail-way calculated for refitting and repairing all shipping at such Harbor.

IX. And be it enacted, That it shall and may be lawful for the Directors of the said Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lake Huron, and who may from time to time partake of the benefits and advantages of the said Harbor, Wharves, Docks or Rail-way, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within the said Harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient; a copy of which tolls, rates and dues, shall be affixed up in not less than three places at or near to the said Harbor: Provided always, that such tolls, rates and dues shall be subject to the approval of the Governor of this Province.

Directors to fix tolls for the use of such harbor, &c.

Proviso.

X. And be it enacted, That if any person shall neglect or refuse to pay the rates, tolls, dues or demands aforesaid, it shall and may be lawful for the said Company or their Officer, Clerk or Servant duly appointed, to seize or detain the goods, vessels or boats on which the same shall be due and payable, until such tolls shall be paid, and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said rates, tolls, dues and demands, by public auction, giving ten days' notice thereof, and return the surplus, if any, to the owner or owners thereof.

Goods on which tolls shall be unpaid may be detained and sold.

XI. And be it enacted, That all ships and vessels owned by or belonging to or in the use of Her Majesty or the Provincial Government, shall from time to time have free access and privilege of occupancy and sheltering under and using the privileges, safeties and advantages of the said Harbor, Wharves, Dry Dock or Rail-way, free of all tolls or duties whatsoever.

Public vessels not to pay tolls.

XII. And whereas the Municipal Council of the County of Simcoe, by a By-law made in the month of January, one thousand eight hundred and fifty-one, under the provisions of the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *A By-law to provide for taking Stock in the Ontario, Simcoe and Huron Rail-road Company,*

County of Simcoe By-law taking £50,000 Stock in Company declared legal.

Company, in the sum of fifty thousand pounds, issuing debentures for that amount, and securing payment of the same, agreed to take Stock in the said Company to the amount of fifty thousand pounds, and authorized the Warden of the said County forthwith thereafter to take and subscribe for such Stock on behalf and in the name of the said Council, and for payment thereof, to issue debentures payable in twenty years for such amount; And whereas in pursuance of such By-law, the said Warden did take and duly subscribe for the said fifty thousand pounds of Stock in the books of the Company, and did issue debentures to the said amount, and in compliance with the terms of the said By-law issued from time to time to the said Company, the said fifty thousand pounds of debentures; And whereas doubts exist as to the form of the said By-law, and it is desirable to set at rest such doubts: Be it enacted, That the said By-law shall not be liable to be quashed or annulled for any want of form or otherwise, but the same shall be held and taken to be a good and valid By-law to all intents and purposes whatsoever.

Part of Act cited, repealed.

XIII. And be it enacted, That so much of the Act cited in the preamble of this Act, as shall be found to be inconsistent with the provisions of this Act, shall be and is hereby repealed.

C A P . L I I .

An Act to amend the Act incorporating *The Bytown and Prescott Rail-way Company.*

[10th November, 1852.]

WHEREAS it is necessary and expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the Incorporation of a Company to construct a Rail-road between Bytown and Prescott*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the sixth Section of the said first recited Act, be and the same is hereby repealed.

Sect. 6th of Act 13 & 14 Vic., c. 132, repealed.

Bridges carrying Rail-way over or across any highway to be 20 feet wide and 12 feet high.

II. And be it enacted, That the space of the arch of any bridge erected for carrying the Bytown and Prescott Rail-way over or across any highway, shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

III.

III. And be it enacted, That for the enregistrement of the deeds and conveyances of the lands conveyed to *The Bytown and Prescott Rail-way Company*, for the purposes of the said Rail-way, Memorials shall not be necessary, but a book or books of copies of such deeds or conveyances shall be made by the said Company, and such copies of such deeds or conveyances of lands shall be deposited in the Registry Office of the County in which any such lands are situated, and the Registers are hereby required to receive and preserve such copies as records of the enregistrement of all such deeds and conveyances respectively, and the Registers are also required to compare such copies with the original deeds or conveyances, and to certify upon each of such original deeds or conveyances that a copy thereof is duly deposited of record in the office as required by this Act, and such enregistrement shall be to all intents and purposes good and sufficient in law, notwithstanding any thing to the contrary thereof in anywise contained in any Statute of this Province respecting the enregistrement of deeds or conveyances of lands; and such Book shall be considered as the property of the County with whose Register it is deposited, and shall be called the Register Book of Titles of the Bytown and Prescott Rail-way Company, and every Register shall make an entry in the Index of the Register Book for each Township in which any land may lie, whereof the deed to such Company may be registered in such Book as aforesaid, and thereby refer to the page in such last mentioned Book where the said Deed is registered, in the same way as if it had been registered in the Register Book of such Township: Provided always, That the Copies of all such Deeds as contained in such Book, shall be proved on Oath by a subscribing witness of each Deed, a copy of which is inscribed in such Book, and in the same manner as Memorials are now proved, and the usual fees paid for the same.

Enregistrement of Deeds to be by depositing a book or books of copies thereof with the County Registrars.

Originals to be certified by Registrars, &c.

Such enregistrement good in law

Proviso.

IV. And be it enacted, That the Board of Directors of the said Company may employ one or more of their Directors, as paid Director or Directors.

Paid Directors

V. And be it enacted, That the said Company shall have power to become parties to promissory notes or bills of exchange, for sums not less than twenty-five pounds, and any such promissory notes made or endorsed, and any such bill of exchange, drawn, accepted or endorsed by the President of the Company, or the Vice-President, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or the Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company, to issue any note payable to bearer,

Company may become party to promissory notes and bills of exchange.

Proviso.

Notes not to be payable to bearer nor to circulate as money.

bearer, or any note intended to be circulated as money, or as notes of a Bank; and provided also, that nothing in this Section shall be construed either to impair, strengthen or otherwise affect the rights of any person or persons holding bonds, bills of exchange or promissory notes, executed, made, signed or endorsed before the passing of this Act.

The Company may issue preferential Stock.

VI. And be it enacted, That it shall and may be lawful for the said Company, at any annual or special General Meeting of Shareholders, called in such manner as by law required, to declare that the shares, or any given number of the shares of the Capital Stock of the Company remaining unsubscribed for, shall, on being subscribed for, entitle the holders thereof to a preference in the division of profits, in such manner and to such extent as by such Meeting of Shareholders shall be determined and authorized, and thereupon the Shares to be newly subscribed for, and to be entitled to such preference, shall be distinguished as shares of the new and preferential Stock of the Company, and the Directors of the said Company shall and may thereafter from time to time, and wheresoever in this Province or elsewhere, and under such regulations as they shall deem meet, open a book or books for the receipt of subscriptions for the Shares of the new and preferential Stock of the Company, and subscribers for such Stock and their legal representatives and assigns shall be deemed holders of the Shares so subscribed for, and shall be liable and bound to pay the same according to the conditions of the subscription; but no such holder shall be subject in any way whatsoever for any liability of the said Company, beyond the amount unpaid on his or her Share or Shares subscribed for in such new and preferential Stock of the said Company. And all transfers of the Shares of the Capital Stock of the Company shall express, whether the Shares transferred are Shares of the old Stock or of the new and preferential Stock of the Company.

No individual liability beyond amount of Stock subscribed for.

Directors may make arrangements respecting freight, &c.

VII. And be it enacted, That it shall be lawful for the Directors of the said Company, to make and carry into effect any arrangement which they shall deem meet with any other Rail-way Company respecting the carriage of freight or passengers, or the working of their Rail-way and any other such Rail-way, or respecting the tolls to be charged for the carriage or freight, or passengers thereon.

Directors may alter gauge.

VIII. And be it enacted, That it shall be lawful for the Directors of the said Company, to alter the gauge of the said road if they deem it advisable, to correspond with other roads in the Province.

Public Act.

IX. And be it enacted, That this Act shall be a Public Act.

CAP. LIII.

An Act for the granting of certain Lots in the Town of Bytown to *The Bytown and Prescott Rail-way Company.*

[10th November, 1852.]

WHEREAS lots numbers four, five and six on the west side of Dalhousie street, ten, eleven, twelve and thirteen on the north side of Bolton street, and ten, eleven, twelve and thirteen, on the south side of Boteler street on Lot Letter O, in the Town of Bytown, were reserved by Order of Council for the purpose of a Market site; And whereas the said Lots are unsuitable for that purpose, and the Municipal authorities of the Town of Bytown have made other provision for markets, and have expressed their concurrence in the said Lots being granted to *The Bytown and Prescott Rail-way Company*; And whereas the said Rail-way Company require the said Lots for ground for the Dépôt at Bytown, and have petitioned for a grant thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Her Majesty, Her Heirs or Successors, to grant to *The Bytown and Prescott Rail-way Company* all and singular the said several Lots or Parcels of land and premises, with the appurtenances, to hold to the said *The Bytown and Prescott Rail-way Company*, in fee simple for the uses of the said Company.

Preamble.

Certain lots at Bytown may be granted to the Company.

CAP. LIV.

An Act to authorize the Town of Dundas to grant its security to the Great Western Rail-road Company, on behalf of the Desjardins Canal Company, for certain improvements on the said Canal.

[10th November, 1852.]

WHEREAS extensive operations are now being carried on by the Great Western Rail-road Company for improving the navigation of the Desjardins Canal, by means of a cut passing directly through the Burlington Heights and connecting the waters of the Canal with those of Burlington Bay, at or for the sum of fifteen thousand pounds, to be paid to the said Great Western Rail-road Company by the said Desjardins Canal Company, for the payment of which sum of money the Municipality of the Town of Dundas, in the County of Wentworth, are willing to become surety, and have prayed that power may be given to them to enter into

Preamble.

Municipality of Dundas empowered to become security to Great Western Rail-road Company on behalf of Desjardins Canal Company for the sum of £13,000.

into and execute the necessary guarantee or security therefor ; And whereas it is just that such power be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Municipality of the said Town of Dundas in their discretion, to pass any By-law to authorize the Mayor and Corporation thereof to enter into and become security to the Great Western Rail-road Company on account and on behalf of the said Desjardins Canal Company for the sum of fifteen thousand pounds, for the work now in progress by the Great Western Rail-road Company under their agreement with the said Canal Company ; or it shall be lawful for the said Municipality to issue Debentures, the principal or interest thereon payable in such sums and at such periods and places, or to enter into and execute any and every such instrument or document in writing, for carrying out and perfecting the aforesaid security to the Great Western Rail-road Company, as in the judgment of the said Mayor and Corporation may be deemed necessary or expedient ; and that any such By-law so to be passed or which may have been passed, shall have and take full force and effect, and be binding as any By-law the said Municipality are now by law authorized to pass or make.

Sinking Fund.

II. And be it enacted, That from and out of the Revenues of the said Canal, the Directors shall in each and every year deposit to the credit of the Receiver General, in such one of the Chartered Banks of the Province as he shall direct, a sum not less than one hundred pounds, such sum and the interest accruing thereon from time to time, to be invested by the Receiver General in public securities, and to form a Sinking Fund for the redemption of the debt hereby authorized to be incurred.

Desjardins Canal Company to make Annual Returns.

III. And be it enacted, That the said Desjardins Canal Company shall make annual returns to the Governor of this Province, to be laid before the Legislature, and to the Town Council of Dundas, shewing the state of the affairs of the said Company, the gross amount of Revenue and Expenditure, and the amount paid over to the Sinking Fund under the last preceding section.

Dundas Town Council to appoint Directors.

IV. And be it enacted, That upon the security or guarantee of the Municipality of the said Town of Dundas being granted and completed to the said Great Western Rail-road Company as aforesaid, and so long as the said security or guarantee, or any such Debentures, Instrument or Document as aforesaid shall continue or be in force, the Town Council of the Town of Dundas shall have power to appoint two persons who shall be Directors of the said

said Desjardins Canal Company, and shall exercise and be entitled to equal powers and privileges with the other Directors of the said Canal Company, and be eligible to the office of President thereof.

V. And be it enacted, That it shall and may be lawful for the said Desjardins Canal Company or the said Great Western Railroad Company, to permanently close, shut and fill up the channel or course of the present Canal at its eastern extremity, and at the place where the line of the Great Western Railroad crosses or intersects the said channel or course of the said Canal, and to erect, keep and maintain a safe and commodious bridge over and across the opening or cut through the said Burlington Heights for all Her Majesty's liege subjects, their horses and carriages, free of toll at all times thereupon, and thereby to pass and repass.

Power given to close the Canal and to erect a Public Bridge over cut through Burlington Heights.

VI. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Governor General from time to time to appoint two Directors in addition to the Directors of the Desjardins Canal Company, and such appointment shall be made at the period provided by law for the election of Directors for the said Company.

Governor General may appoint two Directors.

VII. And be it enacted, That if at any time the said Desjardins Canal Company shall fail to pay the interest that may be due on any sums of money advanced by the Municipality of the Town of Dundas as aforesaid, or fail to pay the annual sum required by this Act for a Sinking Fund, then in such case, it shall be lawful for the Governor General to appoint Trustees who shall forthwith assume the management of the said Canal, and shall exercise and be entitled to the same powers and privileges, and perform the same duties as now belong to the Directors of the said Desjardins Canal Company.

On default of payment by Company, Governor may appoint Trustees.

VIII. And be it enacted, That this shall be a Public Act.

Public Act.

C A P. L V.

An Act to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases.

[10th November, 1852.]

WHEREAS the Bank of Montreal have prayed for authority to increase their Capital Stock, and to make their Shares of Stock transferable in Great Britain, and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces*

Preamble.

Bank may add £250,000 to its Capital Stock; to be paid by instalments, &c.,

Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Bank of Montreal, constituted and incorporated by an Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, An Act to renew the Charter of the Bank of Montreal, and to increase its Capital Stock, to add to their present Capital Stock the sum of two hundred and fifty thousand pounds currency, divided into five thousand shares of fifty pounds each, which shares shall and may be subscribed for, either in or out of this Province, in such proportions or numbers and at such times and places and under such regulations, as the Directors of the Bank shall from time to time establish; and the shares subscribed for shall be paid in by such instalments and at such times and places, as the Directors shall from time to time appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively indemnified for paying the same: Provided always, That no share shall be held to be lawfully subscribed for, unless ten per centum thereof, at the least, be paid at the time of subscribing; and that all the provisions of the fifth section of the aforesaid Act of Incorporation shall be applicable to all cases in which instalments on shares subscribed for under this Act, shall be unpaid; and provided also, that the said five thousand shares be subscribed for and wholly paid up within five years from and after the passing of this Act.

Proviso.

Proviso.

Subscribers! may pay up Stock at once on certain conditions.

II. Provided always, and be it enacted, That when any person or party, desirous of subscribing for shares of the additional Capital Stock authorized by this Act, shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, together with a premium thereon, it shall and may be lawful for the Directors of the Bank, and at any time within the aforesaid period of five years, to admit and receive such subscriptions and full payment, together with such premium as, at the time of subscribing, shall or may be agreed upon; and in every such case, the premium so received shall be carried to the account of the ordinary profits of the Bank; any thing in the said Act of Incorporation, or in this, or any other Act or Law to the contrary notwithstanding.

Stock may be made transferable, &c., in Great Britain.

III. And be it enacted, That shares of the Capital Stock of the Bank, may be made transferable, and the dividends accruing thereon may be made payable in Great Britain, 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 such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

IV. And be it enacted, That if the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of the Act of Incorporation of the said Bank, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of a City, Town, Borough, or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration, so signed and acknowledged, shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other Country than in this, or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul, or Vice-Consul, or other the accredited representative of the British Government in the Country where the declaration shall be made; or shall be made directly before such British Consul, or Vice-Consul, or other accredited representative: and provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Transmission of shares by other means than transfer to be authenticated by a declaration.

Proviso.

Proviso.

V. And be it enacted, That if the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any Testamentary Instrument, or by Intestacy, the Probate of the Will, or the Letters of Administration, or of Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders.

Proof of transmission by marriage, will, &c.

Bank not bound to regard trusts.

VI. And be it enacted, That the Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares 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, or other sum of money, payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Public Act.

VII. And be it enacted, That this Act shall be deemed a Public Act.

C A P. L V I.

An Act to amend the Act to incorporate *The Montreal Cemetery Company*, and for other purposes therein mentioned.

[10th November, 1852.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Montreal Cemetery Company*, and to change the name thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the corporate name of the said Company, be changed to *The Mount Royal Cemetery Company*.

Name of Company.

Power given to Trustees to make broken lots.

II. And be it enacted, That the Trustees of the said Company shall have power to make broken or irregular lots of less or more than one hundred superficial feet, and to charge for the same in proportion to the superficies thereof.

14th Section and Proviso of 15th Section of Act of Incorporation repealed.

Consecration not to give any religious body exclu-

III. And be it enacted, That the fourteenth section, and the proviso of the fifteenth section of the said Act, shall be and are hereby repealed, and instead thereof, Be it enacted, That in the event of the consecration of the said Cemetery or any part thereof, by any Religious denomination holding property therein, such act of consecration shall not be held to invest the said Religious body with any exclusive powers of jurisdiction either spiritual or temporal within the said Cemetery, saving the powers

powers invested in such Religious bodies under the provisions contained in the twentieth section of said Act. sive jurisdiction.

IV. And be it enacted, That from and after the next general Election of Trustees, no Religious denomination shall be entitled to elect one Trustee, unless the members of such Religious denomination are subscribers of twenty shares of the Capital Stock of the said Company. As to right of electing Trustees.

V. And be it enacted, That the real estate of the said Company, and the lots or plots, when conveyed by the Company to individual proprietors, shall be exempt from taxation or assessment of any kind, and not liable to be seized or sold on execution, or attached or applied to the payment of debts by assignment under any Bankrupt or Insolvent Law. That all the lots or plots of ground, when conveyed or numbered as lots, shall be indivisible, but may afterwards be held and owned in undivided shares. Exemption of real estate from taxation.

VI. And be it enacted, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the Cemetery aforesaid, or any fence, railing or other work for the protection of the said Cemetery, or of any tomb, monument, grave stone or other structure aforesaid, or of any lot within the Cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of the said Cemetery, or play at any game or sport, or discharge fire arms (save at a military funeral) in the Cemetery aforesaid, or who shall wilfully or unlawfully disturb any persons assembled, for the purpose of burying any body therein, or who shall commit any nuisance in such Cemetery, shall be deemed guilty of misdemeanor, and shall upon conviction thereof, before any Justice of the Peace, or other Court of competent jurisdiction, be punished by a fine of not less than one pound nor more than ten pounds, according to the nature of the offence, and in default of payment of the said fine shall be liable to imprisonment in the common Gaol of the District of Montreal, for a period of not less than fifteen days nor more than thirty days; and such offender shall also be liable to an action of trespass to be brought against him in any Court of competent jurisdiction, in the name of the said Company, to pay all damages which shall be occasioned by his unlawful act or acts; which money, when recovered, shall be applied under the direction of the Trustees, to the reparation and reconstruction of the property destroyed or injured, and Members and Officers of the Company may be competent witnesses in such suits. Trespasser, &c. may be sued by Corporation.

VII. And be it enacted, That the said Corporation shall make Regulations for ensuring that all Burials within the said Cemetery are conducted in a decent and solemn manner. Corporation to regulate Burials.

As to Burials.

VIII. And be it enacted, That no body shall be buried in any Vault under any Chapel or other Building in the said Cemetery, or within fifteen feet of the outer wall of any such Chapel or Building.

Height of enclosures.

IX. And be it enacted, That every part of the said Cemetery shall be enclosed by walls or other sufficient fences or railings of the height of eight feet at least.

Cemetery to be kept in repair.

X. And be it enacted, That the said Corporation shall keep the said Cemetery and the buildings and fences thereof in complete repair and in good order and condition, out of the moneys to be received by them in virtue of this Act.

Sewers and drains to be maintained.

XI. And be it enacted, That the said Corporation shall make all proper and necessary Sewers and Drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

Penalty for corrupting any Spring or Rivers.

XII. And be it enacted, That if the said Corporation at any time cause, or suffer to be brought or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the said Cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of twelve pounds ten shillings currency.

Who may sue for penalty.

XIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a civil action in any Court of competent jurisdiction: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

Suits for damages may be maintained.

XIV. And be it enacted, That in addition to the said penalty of twelve pounds ten shillings (and whether the same be recovered or not), any person having right to use the water fouled by such offensive matter, may sue the said Corporation in a civil action in any Court of competent jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of two pounds ten shillings for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the said Corporation by such person.

XV. And be it enacted, That the said Company shall be and are hereby empowered to assign a certain portion of the Cemetery for the exclusive use of the Members of the Jewish persuasion, subject to such conditions as the Trustees may prescribe.

Portion of Cemetery may be assigned to Jews.

XVI. And be it enacted, That the Sixteenth Section of the said Act shall be and is hereby repealed.

Clause repealed.

XVII. And be it enacted, That this Act shall be deemed a Public Act.

Public Act.

CAP. LVII.

An Act to incorporate the *St. Mary's College of Montreal.*

[10th November, 1852.]

WHEREAS Monseigneur, Ignace, Roman Catholic Bishop of Montreal, Félix Martin, H. Duranquet, A. Larcher, A. Havequez, Adolphe Larcher and Jas. Durshaller, have, by their petition to the Legislature, represented that a College hath been established at Montreal for the education of youth, and have prayed that corporate powers be conferred on the said College, and in consideration of the great advantages to be derived from the said establishment, it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said College, which shall be composed of the Roman Catholic Bishop of Montreal, the present Rector of the College, and his successors, the Professors and the Bursar of the said College, and their successors, together with all such other necessary officers as may be hereafter appointed under the provisions of this Act, and their several and respective successors, shall be and is hereby constituted a Body Politic and Corporate in deed and in name, by and under the name of *La Corporation du Collège Ste. Marie à Montréal*, 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 uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real or immoveable property and estate, situate,

Preamble.

College incorporated, and of whom the Corporation shall consist.

Corporate name and powers.

Real property lying and being within this Province not exceeding in yearly value the sum of one thousand five hundred pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose, and by the said 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 all courts of law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever; and any majority of the members of the Corporation for the time being, shall have power and authority to make and establish such By-laws, Rules, Orders and Regulations, not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter, repeal and change the said By-laws, Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject nevertheless, to the Rules, Regulations, restrictions and provisions herein-after prescribed and established.

Real property limited.

By-laws.

Other powers.

Revenue to be applied solely to certain purposes.

Property and liabilities of the Institution transferred to the Corporation, &c.

Corporation may appoint Attorneys, &c.

II. Provided always, and be it enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with, or depending on the purposes aforesaid.

III. And be it enacted, That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the members of the said Institution, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established, and all debts due by them or claims against them in their said quality shall be paid and discharged by the said Corporation; and the By-laws, Rules, Orders and Regulations now made for the management of the said Institution, shall be and continue to be the By-laws, Rules, Orders and Regulations of the said Corporation, until altered or repealed in the manner herein provided.

IV. And be it enacted, That the members of the said Corporation, for the time being, or a majority of them, shall have power

power to appoint such attorney or attorneys, administrator or administrators of the property of the Corporation, and such officers and teachers and servants of the said Corporation, as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as may be right, and shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the By-laws, Rules, Orders and Regulations of the said Corporation.

V. And be it enacted, That it shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature, within fifteen days after the beginning of each Session, a detailed statement of the number of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued, and of the real or immoveable property or estate, and of all personal estate or property producing income or profit, held by virtue of this Act, and of the revenue arising therefrom.

Accounts to be laid before the Legislature.

VI. And be it enacted, That this Act shall be deemed to be a Public Act.

Public Act.

C A P. L V I I I .

An Act to amend two certain Acts therein mentioned, and for other purposes connected with the administration of McGill College.

[10th November, 1852.]

WHEREAS the President and Trustees of the Royal Institution for the advancement of Learning, Governors of McGill College, have, by their petition, prayed for the amendment and extension of an Act of the Parliament of the late Province of Lower Canada made and passed in the forty-first year of the Reign of His late Majesty King George the Third, and intituled, *An Act for the establishment of Free Schools and the advancement of Learning in this Province*, and of an Act of the Parliament of this Province made and passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to enable the Corporation of the Royal Institution for the advancement of Learning to dispose of certain portions of land for the better support of the University of McGill College*, and it is expedient to amend the said Acts: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada,*

Preamble.

Act of L. C. 41 Geo. 3, c. 17.

Act of Canada 8 Vict. c. 78.

and

Who shall
preside in the
absence of the
President.

and for the Government of Canada, and it is hereby enacted by the authority of the same, That in the absence of the President or Principal of the Royal Institution for the advancement of Learning, the member first or senior in order of appointment, present at any meeting of the said Corporation, shall preside.

Power to
appoint and
remove Offi-
cers and Ser-
vants.

II. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to appoint from time to time Officers and servants of the Corporation, and the same to remove.

Powers to
make By-
laws con-
cerning meet-
ings of the
Corporation.

III. And be it enacted, That at any meeting after the passing of this Act to be assembled and held in accordance with the provisions of the said Act, passed in the forty-first year of the Reign of His late Majesty King George the Third, it shall be lawful for the said Royal Institution for the advancement of Learning to provide and fix by By-laws, Rules and Orders, the place, times and manner in which the said Corporation shall assemble, and the number and description of members which shall be requisite for transacting the business and executing the trust of the said Corporation.

Disallowance
of By-laws by
the Governor
substituted for
the necessity
of his sanc-
tioning them.

IV. And be it enacted, That all By-laws, Rules, Orders, Constitutions and Ordinances hereafter to be made by the said Royal Institution for the advancement of Learning, not being repugnant to any law of this Province, shall have full force and effect without being sanctioned or confirmed by the Governor of this Province; Provided always, that a certified copy thereof shall be sent to the Governor through the Post Office, and that it shall be lawful for him to signify his disallowance of the same within sixty days thereafter.

Corporation
may dispose
of lands for an
irredeemable
ground rent,
but it need not
be subject to
increase.

V. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to alienate and dispose in perpetuity of such portions of the lands, tenements and estate by them held or to be held in trust for McGill College, as they may deem expedient for the support and advantage of the said College, for an annual irredeemable ground rent (*rente foncière non rachetable*) and not otherwise, subject to such terms and conditions and with such formalities only of procedure as they may deem most advantageous for the said College; and it shall not be necessary that such ground rent (*rente foncière*) be subject to any future increase of amount.

Corporation
may cancel
existing deeds
on terms to be
agreed upon—
raise loans,
&c.

VI. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning, if they shall deem it to the advantage of the said College so to do, to cancel and annul any deed or deeds heretofore by them granted for the disposal of any portion of the said lands, tenements and estate, upon such terms as by them and the other parties to such deed or deeds may be mutually agreed upon, as also, from time to time, to obtain and take any loan or loans of money for the
uses

uses of the said College, and upon such security, whether by hypothecation or otherwise, and upon such other terms and conditions as they may stipulate and assume ; Provided always that the amount of such loan or loans shall not, at any one time, in the whole, exceed the sum of three thousand pounds. Proviso.

VII. And be it enacted, That the rents, issues and profits, sum and sums of money by the said Royal Institution for the advancement of Learning, held and possessed or which may be by them hereafter received, shall not be paid into the hands of the Receiver General of this Province, but the same shall be received by the Treasurer of the said Royal Institution for the advancement of Learning, and be by him deposited and disposed of in such manner as, from time to time, the said Royal Institution for the advancement of Learning may direct ; Provided always, that the said Royal Institution for the advancement of Learning shall, on or before the first day of February, in every year, furnish to the Governor of this Province, a detailed statement and account, affirmed by the Treasurer before a Magistrate or Commissioner authorized to receive affidavits, of the receipt and expenditure of such moneys during the year immediately preceding. Moneys of Corporation not hereafter to be paid to Receiver General.
Proviso : annual accounts to be furnished to the Governor.

VIII. And be it enacted, That all such parts and provisions of the said two Acts, intituled, respectively, *An Act for the establishment of Free Schools and the advancement of Learning in this Province*, and *An Act to enable the Corporation of the Royal Institution for the advancement of Learning, to dispose of certain portions of land for the better support of the University of McGill College*, as are repugnant to or in any manner inconsistent with the provisions of this Act, are hereby repealed ; Provided always, that nothing herein contained shall impair or affect any rights heretofore acquired under and by virtue of the said Acts, or either of them, or any remedies or proceedings for the enforcement of or in relation to such rights ; but all such rights, remedies and proceedings shall be and remain as if this Act had not been passed. Provisions of the said two Acts inconsistent with this Act, repealed.
Proviso : existing rights not impaired.

IX. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . L I X .

An Act to facilitate the winding up of the affairs of the
Mutual Fire Assurance Company of the County of
Montreal.

[10th November, 1852.]

WHEREAS the Mutual Fire Assurance Company of the County of Montreal, established under the authority of an Act of the Legislature of the late Province of Lower Canada, passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled, *An Act to authorize the establishment of Mutual Fire Insurance Companies*, and recognized under Preamble.
Act of L. C. 4 W. 4, c. 33.

under the name aforesaid, by an Act passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to amend an Act of the Legislature of Lower Canada relative to the establishment of Mutual Fire Insurance Companies*, have by their petition represented that the losses by them sustained in consequence of the destruction by fire in the course of the present year, (one thousand eight hundred and fifty-two,) of a large amount of property by them assured in the City of Montreal, greatly exceed the capital which is at present or could be at any future period at the disposal of the said Company, or deposited in their hands under the authority of the various laws relative to their establishment and existence; that being thus able to meet these losses in part only, in consequence of the insufficiency of the said funds, the interest and security of all the parties concerned require that the dissolution of the said Company, and the winding up of their affairs should be effected as speedily as possible, and in order to attain that end in the manner least prejudicial to the interests of the parties concerned, it is necessary for the said Company that more ample Legislative provisions should be made, those, at present in force, in so far as regards the said Company, being in this respect defective: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the date of the passing of this Act, it shall not be lawful for the said Company to assure property belonging to any party whomsoever; but all property which, up to that period, shall have been assured in the office of the said Company shall, notwithstanding the foregoing enactment, continue to be so assured, to all intents and purposes whatsoever as if this Act had never been passed, and so continue during the entire period stipulated in the policy of Assurance thereof, or until the dissolution of the said Company shall have been pronounced in the manner hereinafter provided, or until the member of the said Company to whom the said policy relates shall have legally ceased to be a member of the said Company, or shall have legally retired from the said Company by the cancelling of the said policy, in conformity with the provisions of an Act of the said Legislature of the heretofore Province of Lower Canada, passed in the sixth year of the Reign of His late Majesty William the Fourth, and intituled, *An Act to continue for a limited time and to amend a certain Act therein mentioned, relative to the establishment of Mutual Fire Insurance Companies.*

Company not to insure any property after the passing of this Act.

Present policies to remain in force.

Act of L. C. 6 W. 4, c. 33,

No new election of Direc-

II. And be it enacted, That the annual election of Directors of the said Company shall not hereafter be held on the first Monday

Monday in October, but that the persons who shall at the time of the passing of this Act compose the Board of Directors of the said Company shall, throughout the entire future duration of the said Company, continue to be the Directors for all purposes whatsoever, as also any person who, in case of a vacancy occurring in the said office, shall hereafter be appointed a Director of the said Company, in the cases provided for by the sixth Section of the Act first hereinbefore cited, which said Directors so continuing in office shall have the same rights and powers, as they would have had, if they had as heretofore been elected at an annual meeting of the members of the said Company.

tors to be made; those now in office to continue.

III. And whereas it is for the interest of all parties concerned, that the winding up of the affairs of the said Company be rendered as advantageous as possible, and in order thereto, it is expedient to authorize the Directors of the said Company, in certain cases, to grant to parties indebted to the said Company a reasonable delay, in order thereby to facilitate their means of paying to the said Company the amount due upon all their premium notes deposited in the office of the said Company, and which are now due and payable, and also the sum of ten shillings, currency, on every hundred pounds of the amount assured in the office of the said Company; Be it enacted, and it is hereby enacted, That the said Directors shall have discretionary power to grant to any party indebted to the said Company, in order to the payment of his debt, when they shall consider it in the interest of the Company so to do, such delay (not exceeding in any case the period of twelve months to be computed from the fourth day of October, one thousand eight hundred and fifty-two,) as it shall appear to them reasonable to allow, subject to the condition if required by the said Directors, that the said debt shall be paid by instalments, and that in such case, in default of payment at the stated period of any of the said instalments, the total amount of the said debt, or so much thereof as shall remain due at any of the said periods shall become due and payable as if such delay had never been allowed; and the said Directors in granting such delay as aforesaid, shall have the right to stipulate with the said debtor, that he shall be bound to pay interest at the rate of six per cent. upon the amount of his debt to the said Company, to be computed from the date of such stipulation.

Recital.

Directors may grant delay to persons indebted to the Company.

May stipulate for interest.

IV. And be it enacted, That notwithstanding any of the provisions contained in the preceding Section of this Act, or in any other Act or law whatsoever, the rights of the said Company against all its debtors and endorsers or the sureties of the latter and more especially against all its said debtors to whom delay shall have been granted as hereinbefore allowed, and against all the endorsers or sureties of such debtors, as also the privileges and hypothecs of the said Company upon the property of every such debtor, and upon the property of each

Rights of the Company against its debtors and their sureties not to be impaired by such delay.

each one of the said sureties and endorsers by virtue of existing laws, and especially by virtue of the provisions of the ninth Section of the said hereinbefore cited Act, passed in the fourth year of the Reign of his late Majesty King William the Fourth, as modified by the provisions of the seventh Section of the said hereinabove cited Act passed in the sixth year of the same reign, for the guarantee of the payment of any debt whatsoever of all and every such debtor to the said Company, due either both before or after the passing of this Act, shall for all purposes whatsoever, be maintained and remain in full force, both as regards every such debtor and each one of his sureties and endorsers, and also as regards every other party whatsoever, in the same manner as if the said rights, privileges and hypothecs had been specially granted by this Act.

Such delay not to be reckoned for the purpose of prescription of any debt.

V. And be it enacted, That no one of the said endorsers or sureties of any debtor mentioned in the preceding Sections, shall be entitled or shall have the right by reason of the delay granted to the said debtor by the Directors of the said Company, under the authority of the third Section of this Act, to plead either prescription, or that the said debtor has become insolvent during the period of the said delay, against the said Company or their assigns, for the purpose of invalidating his endorsement or security in favor of such debtor.

Petition to S. Court for closing the business of Company.

VI. And be it enacted, That when, in the opinion of the Directors of the said Company, the time for so doing shall have arrived, they shall present a petition to the Superior Court, sitting in the District of Montreal (the said petition being accompanied by a report or exact statement of the affairs of the said Company), representing, that in the opinion of the Petitioners, there is no further reason for carrying on the administration of the affairs of the said Company; that the time has arrived, when for the interest of all parties concerned, the said Company should be dissolved, and if necessary, that the discharge of the said Directors of the said Company, and also, in the discretion of the Court, that of any other party whatsoever, should be definitively pronounced.

Court to order notice to be given to creditors, &c.

VII. And be it enacted, That on the presentation of the petition mentioned in the preceding Section, the said Court shall order, on the application of the Petitioners, a call to be made of the creditors of the said Company, and of all other parties interested in the affairs thereof, by an order made upon the said petition by the said Court, and inserted under the signature of the Prothonotary thereof at least four times in the course of two months in two newspapers published in the said City of Montreal, one in the French language and the other in the English language, requiring the creditors of the said Company, or any other party interested in the affairs of the said Company, to file in the office of the said Court, in the said City of Montreal, on or before the day which shall be fixed for that purpose in

in the said order, any claim they may have to make against the said Company or against their estate either moveable or immovable; and upon the proceedings founded upon the said petition, the said Court shall proceed to hear and decide upon the respective rights and claims of the parties, as in any other case of a like nature brought before it, according to the ordinary course of law and practice; and when, in the opinion of the said Court, it shall be necessary so to do, it shall render its judgment, pronouncing the dissolution of the said Company according to the provisions of and with the effect provided by this Act.

Court to hear parties and give judgment pronouncing dissolution of Company.

VIII. And be it enacted, That upon the rendering of the said account, the said Court shall be empowered at any time to order, if it shall think proper so to do, that the balance thereof be deposited by the said Directors or by the Secretary Treasurer of the said Company, in the office of the said Court, in order to its being thereafter disposed of in favor of the parties entitled thereto, the amount of which balance shall be stated in the above mentioned judgment of the said Court.

Court may order deposit of any balance.

IX. And be it declared and enacted, That none of the provisions contained in the preceding Sections shall extend or be construed to extend to deprive the Directors of the said Company of the power to determine, declare and pay dividends and apportionments out of the funds at their disposal, as heretofore, which dividends or apportionments, it shall be their duty to determine, declare and pay, as frequently as possible, as fast as the said funds will permit, and in the manner and form which they shall consider most expedient, in order to facilitate the settlement of the affairs of the said Company and to satisfy the claims existing against it.

Directors may declare and pay dividends and apportionments.

X. And be it enacted, That the notice given by the said Company and published by it under the signature of the President and Secretary thereof, and bearing date the sixteenth day of October, one thousand eight hundred and fifty-two, in two newspapers published in the City of Montreal, and intitled respectively *La Minerve* and the *Montreal Herald*, shall, for all purposes whatsoever, be deemed to be the public notice required in like cases by the eighth Section of the said Act hereinbefore cited, passed in the sixth year of the reign of His Majesty King William the Fourth, and shall be sufficient to produce the effect contemplated by the said eighth Section of the Act hereinbefore last mentioned, although in fact the said notice may not have been published in the manner prescribed by the said eighth Section, that the said notice shall be evidence of its contents, and that all payments, dividends, apportionments and sums of money therein mentioned have been duly established, ordained and determined by the Directors of the said Company, and that the recovery thereof may be prosecuted after the lapse of thirty days from the said first publication

A certain notice given by the Company declared sufficient.

Proviso. publication of the said notice in the two newspapers aforesaid ; Provided always, that any number or copy of one or other of the said two newspapers, in which the said notice shall have been so published, shall be authentic proof of the said publication.

Service of summons, &c. on the Company. XI. And be it enacted, That any summons or service having reference to the said Company in any manner whatsoever, made at the office of the said Company, speaking to any competent person therein, or personally to the President or Secretary Treasurer of the said Company, shall be held to be a valid service for all purposes whatsoever.

Public Act. XII. And be it enacted, That this Act shall be a Public Act for all purposes whatsoever.

C A P . L X .

An Act to amend the Act incorporating Bishop's College.

[10th November, 1852.]

Preamble. **W**HEREAS it is expedient to amend the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to incorporate Bishop's College in the Diocese of Quebec*, to confer upon the Bishop of Montreal co-ordinate powers with the Bishop of Quebec, in the Corporation of Bishop's College : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Bishop of Montreal, as well as any other Bishop or Bishops, who may be appointed for any Diocese of the United Church of England and Ireland, which may hereafter be constituted in Lower Canada, together with the Bishop of Quebec, shall hereafter constitute the first branch of the Corporation of Bishop's College ; and the said Bishops shall have and possess equal and co-ordinate powers in the appointment of the Trustees and of the College Council, and shall have and exercise jointly, all and every the powers and privileges heretofore possessed, exercised and enjoyed by the Bishop of Quebec, in the management of the affairs of the said Corporation ; Provided that in case of a difference of opinion between the said Bishops, in the event of their being equally divided, in the exercise of any of the powers hereby conferred upon them, the opinion of the Bishop who is senior by priority of appointment shall prevail, and his decision shall be final.

Bishop of Montreal and other Bishops of the Church of England in Lower Canada to have equal powers with the Bishop of Quebec.

Proviso.

C A P. L X I.

An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie.

[10th November, 1852.]

WHEREAS by an Act of the Legislature of the Province Preamble.

of Lower Canada, passed in the second year of the Reign of His Majesty George the Fourth, intituled, *An Act to enable the inhabitants of the Seigniorie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of Common in the said Seigniorie*, a Corporation was established to manage the affairs of the said Common ; And whereas the now existing Corporation of the said Common have petitioned that means may be adopted to establish and ascertain in a definite and final manner what persons are entitled to the said Common ; And whereas it is expedient that their petition should be granted, and necessary to the Co-proprietors of rights in the said Common that their said rights should be accurately ascertained : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Corporation, or for five of the Co-proprietors of rights in the said Common, after the passing of this Act, to call a meeting of the Co-proprietors of rights in the said Common, and to cause public notice to be given at the door of the Parish Church of La Baie St. Antoine, after Divine Service in the forenoon, calling on the said Co-proprietors of the said Common, to attend a meeting within not less than eight days, nor more than fifteen days after the date of such notice, at such place as shall be therein appointed, to elect a suitable person to be a Commissioner for the purposes of this Act, which person shall have no right or title in the said Common, and shall be an inhabitant of the said Parish of La Baie ; and at the said meeting, the Chairman of the said Corporation, or failing him, one of the Trustees thereof, shall preside, and shall prepare a *Procès-Verbal* or report thereof, signed by himself and by two witnesses present at the said meeting, which *Procès-Verbal* shall be deposited in the office of the Clerk of the Circuit Court in the Town of Three-Rivers.

Meeting of proprietors to appoint commissioners.

II. And be it enacted, That at the time and place so appointed in the said notice, it shall be lawful for the Co-proprietors of the said Common there assembled, and for the majority thereof, to proceed to elect such Commissioner, by vote, and it shall

Commissioner to be selected by vote.

shall be the duty of the person presiding at the said meeting, to notify the said person so elected to be Commissioner, of his election as herein provided.

In case of non-acceptance of office by person elected.

III. And be it enacted, That if the person so elected as Commissioner shall not accept the said office, which he shall be understood to accept if he do not within eight days after he shall have been notified of his election, make known his refusal to accept the same to the Chairman of the said meeting, or having accepted, if he shall afterwards resign it, or shall absent himself from within the bounds of the said Parish as his dwelling place, or shall die, it shall be lawful for the said Co-proprietors of the said Common to proceed to appoint another Commissioner in manner hereinbefore directed.

Who shall vote at such meeting.

IV. And be it enacted, That any person, having a *prima facie* title, at the time of the passing of this Act, conferring on him a right in the said Common, shall be qualified and entitled to attend and vote at the said meeting for the election of a Commissioner as aforesaid.

Duties of commissioner.

V. And be it enacted, That it shall be the duty of the said Commissioner to give public notice within one month after his election, by a notice posted up at the Church door of the Parish of La Baie, during at least two consecutive weeks, and given verbally on two consecutive Sundays, immediately after Divine Service in the forenoon, at the Church door of the said Parish, of the place where, and the days when his office will be opened, and to require all and every the said Co-proprietors to exhibit at his office, within two months after the date of his said notice, all deeds of concession, judgments or other titles whatsoever, establishing their respective rights in the said Common, together with a plain statement of their claims, and a list of the documents filed and produced by them, in order that their rights may be definitively established in manner hereinafter to be provided.

Judge to adjudicate on claims concerning rights in said common.

VI. And be it enacted, That it shall be the duty of the said Commissioner, immediately after the expiration of the time fixed for the deposit of the titles herein ordered to be made with him, as provided in the next preceding Section, to transmit them, together with their claims and titles to the Judge of the Circuit Court in the District of Three-Rivers, either at the office of the said Court at Three-Rivers or during any term of the Circuit Court while holding its sittings in the County of Yamaska, and the said Judge is hereby authorized and required to examine the same, and adjudicate thereon after having heard parties touching all disputed matters or any opposition which may be made to any claim or claims concerning rights in the said Common, in the term of the said Circuit Court during its sittings either in the County of Yamaska, or in the Town of Three-Rivers, declaring the validity or nullity of the said

said titles respectively ; and an entry shall be made of the same in the records of the said Court, and the same shall be final and without appeal.

VII. And be it enacted, That it shall be the duty of the said Commissioner, during his examination of the claims and titles of the said Co-proprietors of the said Common, to make a list thereof, in the order in which the said titles shall have been presented before him, numbering them according to the order of their presentation.

Commissioner to make list of co-proprietors.

VIII. And be it enacted, That when the Judge shall have given judgment as aforesaid, it shall be the duty of the said Commissioner to take from the office of the said Circuit Court, the titles by him referred and submitted to the Judge thereof, together with a certified copy of the award made by the Judge thereof, and that it shall also be his duty to publish the said award, by causing it to be read on two consecutive Sundays at the door of the said Parish Church, after Divine Service in the forenoon ; and the said Commissioner shall moreover be bound, when so required, to restore to every person or all persons who shall have filed them, or to any person duly authorized to receive the same, the claims or titles filed in his office, according to the provisions of this Act, taking an acknowledgment of the re-delivery of such titles.

Award of judge to be published at church door.

IX. And be it enacted, That the Commissioner so appointed shall lay before the said Judge a detailed account of all costs, charges and expenses, as well as of salary, to which he shall be entitled, as a just remuneration for his trouble and outlay, which account shall be taxed by the said Judge.

Costs of commissioner.

X. And be it enacted, That the said Commissioner shall be entitled to demand from each Co-proprietor of the said Common his proportionate share of the amount at which his claim for compensation shall have been taxed by the said Judge, and shall have his right of action by process of law for the recovery of the same.

How costs paid.

XI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any Body Politic or Corporate, or of any person or persons, such only excepted as are herein mentioned.

Her Majesty's rights not affected.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

Public Act.

CAP. LXII.

An Act to incorporate *The Quebec Temperance Hall Association.*

[10th November, 1852.]

Preamble.

Certain persons incorporated.

WHEREAS Angus McDonald, William Bignell, Robert Symes, Richard J. Shaw, John Morphy, Philip LeSueur, Frederick LeSueur, James Brent, Thomas Bickell, Charles Brodie, Thomas White, Junior, James Millar, George Mathison, Benjamin Cole, Junior, John H. Craig, John Kemp, George Booth, Daniel Bews, Alexander Farquhar, James Reid and others, of the City of Quebec, members of *The Quebec Temperance Hall Association*, have, by their Petition to the Legislature, represented that they have in contemplation the erection and maintaining of a Building within the said City, to be called "The Quebec Temperance Hall," for the promotion and advocacy of the principles of temperance, and for the accommodation of public meetings convened for useful and moral purposes, and that it would greatly tend to the advancement of the useful and philanthropic objects of the said Association if corporate powers were conferred upon them, and have prayed for an Act of Incorporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Angus McDonald, William Bignell, Robert Symes, John Morphy, Philip LeSueur, Frederick LeSueur, Richard J. Shaw, Charles Brodie, James Brent, Thomas Bickell, Thomas White, Junior, James Millar, George Mathison, Benjamin Cole, Junior, John Kemp, George Booth, John H. Craig, Daniel Bews, Alexander Farquhar and James Reid, together with all such other persons as are now, and shall hereafter become members of the said Association, shall be and are hereby declared a body politic and corporate, under the name of "The Quebec Temperance Hall Association," and shall be entitled to acquire, hold, possess, take, receive and dispose of for the purposes of the said Corporation, any lands, tenements or hereditaments and real or immovable property lying within the said City of Quebec, not exceeding in value the sum of fifteen thousand pounds currency.

Capital Stock.

II. And be it enacted, That the Capital Stock of the said Association shall be and consist of the said sum of fifteen thousand pounds currency, or such part thereof as shall be deemed necessary to be raised by the said Association, and the same shall be divided and distinguished into three thousand equal

equal parts or shares, at a price not exceeding five pounds currency per share, and shall be deemed personal estate, and be transferable as such; and that the said three thousand shares shall be and are hereby vested in the members of the said Association, and their several and respective heirs, executors, curators, administrators and assigns, to their proper use and behoof, proportionably to the sum they and each of them shall severally subscribe and pay thereunto; and all and every persons, and their several and respective successors, executors, curators, administrators and assigns who shall respectively subscribe and pay the sum of five pounds currency, or more, towards carrying on and completing the said "Quebec Temperance Hall," shall be members of the said Association, and as such entitled to and receive, after the said building is completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered and received by the authority of this Act, in proportion to the number of shares so held; and every person or persons having such property of one or more shares in the said undertaking, and in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in the manner by this Act directed and appointed.

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

Proportion
of votes to
Shares.

Proviso.

IV. And be it enacted, That the said Corporation may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any one time the sum of seven thousand pounds currency, as they may find expedient, and as they may think proper, and may give their bonds, obligations or other securities for the sums so borrowed, and may hypothecate or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and interest thereon.

Corporation
may borrow
£7000.

Extent of liability of Shareholders.

V. And be it enacted, That no Shareholder in the said Corporation shall be in any manner whatsoever liable for, or charged with, the payment of any debt or demand due by the said Corporation, beyond the extent of his share in the capital of the said Corporation not paid up.

Books of subscription to be opened.

VI. And be it enacted, That the subscribers above named, or any three of them, shall, so soon after the passing of this Act, as may be convenient, open a Book or Books of Subscription, and when one hundred shares shall have been subscribed in such Book or Books, they shall call a meeting of such Subscribers, at such time and place in the said City of Quebec, as they shall deem fit, by public notice to be published at least eight days before such meeting, in an English and in a French Newspaper, published in the said City; and a like general meeting, to be called by the Secretary of the said Corporation, after due notice as aforesaid, shall be held on the second Tuesday in January, in every year afterwards, at the hour of seven o'clock in the afternoon, or any subsequent day thereafter, which shall be duly indicated in such notice.

Election of Directors.

VII. And be it enacted, That at the first General Meeting of the Subscribers hereinbefore directed to be held, the majority of the Proprietors then assembled together, shall choose seven persons for the time being respectively Proprietors of at least two shares in such undertaking, of whom four shall be a quorum, to be Directors for managing, governing and carrying on the affairs of the said Association, and the said Directors elected at such first General Meeting, shall remain in office until the General Meeting which shall take place in the month of January, one thousand eight hundred and fifty-four; Provided always, that all Directors elected at any other Annual General Meeting shall remain in office one year only, unless re-elected; and at the first of the Meetings of the Directors, which shall take place in each year as soon as possible after their election, they shall, if a quorum be present, choose a President and Vice-President from among their number, who shall preside at any Meeting of the Directors, and be entitled to a casting vote, in case of an equal division of members, although they may have respectively voted before; and the Directors shall also choose annually from among the Stockholders of the said Association, a Treasurer and a Secretary, who shall be permanent; or be appointed for one year only, as the majority of any quorum of the said Directors may see fit to determine; and the said Directors are hereby authorized to take such security from the said Treasurer and Secretary for the due execution of their respective offices as the said Directors shall think proper; Provided always, that any two thirds of the Proprietors assembled at any General Meeting, may remove such Secretary or Treasurer, and in such case the Directors shall appoint another in his stead.

Proviso.

Proviso.

VIII. And be it enacted, That it shall be lawful for a majority of the Directors, or any ten Proprietors having together not less than thirty votes, to call a Special General Meeting of the Subscribers at any time, by public notice in an English and in a French newspaper, published in the said City, such notice to be given at least eight days before the day fixed for such Special Meeting.

Special General Meetings.

IX. And be it enacted, That the said Directors for the time being shall have and be invested with full power and authority to manage, order, oversee and transact all and singular the affairs and business of the said "Quebec Temperance Hall Association," and all matters and things whatsoever relating to or concerning the same; and the said Directors for the time being shall, on the second Tuesday of January in every year, at the meeting of the Members of the said "Quebec Temperance Hall Association," produce and give a full, just and true account in writing of all their transactions, receipts and payments respectively, so that the true state of the said "Quebec Temperance Hall Association" and its affairs may manifestly appear; and shall also make and declare a dividend of the clear profit and income, all contingent costs and charges being first deducted, among all the Proprietors aforesaid.

Duties of Directors.

X. And be it enacted, That when the term of office of the Directors elected at the first General Meeting of Proprietors held after the passing of this Act, shall expire, that is to say, in the month of January, one thousand eight hundred and fifty-four, seven Directors shall be chosen at the general meeting of proprietors to be holden in the said month and year, and the same number in the same month in every year thereafter; Provided always, that any Director may be re-elected; and the said Directors shall meet as often and at such place in the City of Quebec, to be by them appointed, as occasion may require; Provided always, that no Director shall have more than one vote at any meeting of Directors, except the President or Vice-President as aforesaid, or in their absence, the Chairman who shall be chosen by the said Directors, and in case of an equal division, shall also have a casting vote, although he may have given one vote before: and if any Director shall die or be permanently removed to another District before his term of office shall have expired, the proprietor who shall have had at the last election the next greater number of votes after the seven Directors, shall fill his place; Provided also, that the said Directors shall from time to time, make reports of their proceedings, and be subject to the examination and control of the said general meetings of the proprietors, and shall pay due obedience to all such orders and directions in and about the premises, as shall from time to time be made by the said proprietors at any general meeting, such orders and directions not being contrary to the provisions of this Act, the By-laws of the Association, or the Laws of this Province.

Future elections of Directors.

Proviso.

Proviso.

Proviso.

Shares payable in monthly instalments.
 Proviso.

XI. And be it enacted, That the proprietors of the said undertaking shall pay the amount of their respective shares in such monthly instalments as the Directors shall see fit to determine, to the Treasurer of the said Association; Provided always, that no monthly instalment shall exceed ten shillings, or be less than two shillings and six pence per share; and any proprietor neglecting to pay any such instalment shall forfeit and pay the sum of one shilling and three pence per share for every month during which he shall have neglected to pay such instalment, and any proprietor being in arrear of twelve instalments shall forfeit his share or shares in the undertaking, and all moneys which he shall have forfeited shall go to the profit and form part of the revenues of the said Association, and the Directors may, if they deem it expedient, dispose of the shares so forfeited, in such manner as shall be most to the advantage of the said Association.

Subscribers to pay instalments when called in.

XII. And be it enacted, That all subscribers of shares or Stockholders in the said undertaking, shall be held and bound, and they are hereby required to pay the sums of money subscribed for by them as the same shall be called for under the provisions of the next preceding section; and in case any person or persons neglect or refuse to pay the same at the times appointed by the said Directors, and in the manner provided for under the provisions of the said last preceding section, it shall and may be lawful for the said Corporation to sue for and recover the same, together with the forfeiture incurred by such default, neglect or refusal, and interest upon the amount due and costs, in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share or any number of shares (stating such number) in the stock of the said Association; that certain sums of money were duly called for, either as monthly instalments payable on each such share or being sums forfeited for non-payment of any such instalment, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action had accrued to the said Association to recover such sum or sums with interest and costs; and neither in such action or in any other action, suit or legal proceeding by the said Directors in their said capacity, shall the election of the said Directors or the authority of them, or of any Attorney or other party acting in the name of the said Association, be called in question unless by the said Association, nor shall it in any case be necessary to name the Directors or any of them.

By-laws, Rules, Orders, &c.

XIII. And be it enacted, That the said Directors, or a quorum thereof, as aforesaid, being assembled at such places and times as aforesaid, shall have full power and authority to make, ordain and constitute such and so many By-laws, Rules and Orders, not repugnant to the Statutes, Customs or Laws of the Province, or the express

express regulations of this Act, as by the said Directors shall be judged expedient and necessary for the direction, conduct and government of the said Association, and of the property, real and personal, moveable and immovable by them held, and as in their opinion will most effectually promote the purposes of this Act; and by such By-laws, Rules and Orders they may impose and inflict such fines and forfeitures, not exceeding Five Pounds currency, as to them shall seem meet, upon any person being a Member of the said Corporation who shall be guilty of a breach of such By-laws, Rules or Orders; Provided always, that this last mentioned provision shall not interfere with the forfeiture of one shilling and three pence mentioned in the eleventh Section of this Act; Provided also, that no By-law shall be in force until it shall have been sanctioned by a vote of at least two thirds of the proprietors present at a general meeting called together by the Directors for the purpose of taking such By-law into consideration, nor shall any amendment, repeal or alteration of any By-law, be valid unless agreed to by two thirds of the said proprietors present as aforesaid, and all By-laws or amendments thereof shall be published, after being sanctioned, in one English and in one French newspaper published in the said City.

Proviso.

Proviso.

XIV. And be it enacted, That no Individual or Company of Individuals shall hold more than one hundred Shares in the said Association.

Limitation as to Shares.

XV. And be it enacted, That it shall and may be lawful for each and every of the Members, for the time being, of the said Corporation, his and her Executors, Administrators and Assigns, to give, sell, alien, assign, devise or dispose of his, her or their respective Share or Shares and interest, to any person or persons, being subjects of Her Majesty; and the said person or persons and their respective assigns shall be Members of the said Corporation, and shall be entitled to all and every the same rights and privileges, and to the profits and advantages therefrom arising, and in the said Corporation, as the Members in this Act named are entitled to by virtue of this Act; Provided always, that a part of a Share or Shares shall not entitle the Proprietor or Owner thereof to any privilege whatsoever.

Shares may be sold, &c.

Proviso.

XVI. And be it enacted, That any purchaser or purchasers, shall for his, her or their security, as well as that of the said Corporation, have a duplicate or duplicates of the Deed or Act of transfer made unto him, her or them, and executed by both parties, one whereof so executed shall be delivered to the said Directors or to the Secretary for the time being, to be filed and kept of record for the use of the said Corporation, and upon the filing thereof an entry thereof shall be forthwith made in the Book or Books to be kept by the Secretary for that purpose, for which no more than Two Shillings and Six Pence currency shall be paid, and until such duplicate of such Deed or Act of Transfer shall be so delivered unto the said Directors or Secretary of the said Corporation, and filed and entered as above directed, such purchaser or purchasers shall not

Deeds of transfer to be filed.

not be held to be a proprietor or proprietors of such Share or Shares, and shall have no part of the profit of the said undertaking, paid unto him, her or them, nor any vote as Members of the said Corporation.

Return to Legislature.

XVII. And be it enacted, That the said Corporation shall make a full and particular return in each year to the three Branches of the Legislature, of the real estate and other property held by the said Corporation, the amount of debt incurred by them, and the rate and amount of the last dividend, together with a list of the Shareholders in the said Corporation, and the names of the Directors.

Public Act.

XVIII. And be it enacted, That this Act shall be a Public Act.

C A P. L X I I I .

An Act to amend an Act intituled, *An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the 'Quebec Benevolent Society,' under certain Restrictions, Rules and Regulations therein mentioned.*

[10th November, 1852.]

Preamble.

WHEREAS the President, Vice-President, Secretary and Treasurer of the Benevolent Society of Quebec, pray for certain amendments to the Act of Incorporation of the said Society, and it is expedient, for the general advantage thereof to make the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That that part of the fourth Section of the said Act, by which it is enacted, that "such Treasurer or Treasurers, Trustee or Trustees, and all and every other officer and officers, or other persons whatever, who shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, shall execute the duties of such office without any fee, reward or compensation whatever," be and it is hereby repealed, and all and every the said words be and they are hereby struck out of the said Section ; and that it is and may be lawful for the said Society to allow to the said Treasurer or Treasurers, Trustee or Trustees, and to any other officer or officers, or other persons whatsoever, who are or shall be appointed to any office in any wise touching or concerning the

Part of s. 4 of the said Act repealed.

Treasurer, &c. may be paid.

the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, all such fees, reward or compensation as they shall think fit.

II. And be it enacted, That the said Benevolent Society shall and may invest and dispose of all such sum or sums of money as shall have been collected or paid for the purposes, expenses and objects of the said Society, the immediate expenditure or application of which is not required, in the purchase of Provincial Debentures, or of the Bonds of any corporate bodies in this Province, as the said Society shall think fit, the restrictions imposed under the sixth Section of the said Act, and the provision made under the said Act for the loaning, investment and disposal of the said money by the said Society notwithstanding: and that the said Society shall and may invest and dispose of such sums of money, being at their disposal, either in the manner appointed by the said Act, or in the purchase of Provincial Debentures, or of the Bonds of any corporate bodies in this Province, as aforesaid.

How moneys of the said Society may be invested.

III. And be it enacted, That the Interpretation Act shall apply to this Act and to the Act hereby amended.

Interpretation.

C A P . L X I V .

An Act to amend the Act to incorporate certain persons under the name of the "*Quebec Friendly Society.*"

[10th November, 1852.]

WHEREAS the President, Vice-President, Secretary, and Treasurer of the Friendly Society of Quebec, pray for certain amendments to the Act of Incorporation of the said Society, and it is expedient for the general advantage thereof to make the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of the fourth Section of the said Act by which it is enacted that "such Treasurer or Treasurers, Trustee or Trustees, and all and every other officer or officers or other persons whatever, who shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purposes of the said Society, shall execute the duties of such office without any fee, reward or compensation whatever," be and it is hereby repealed, and that all and every the said words be and they are hereby struck out of the said Section; and that it is and may be lawful for the

Preamble.

Part of s. 4 of Act of L. C., 57 Geo. III, c. 39, repealed.

the

Treasurers and other officers may be paid.

the said Society to allow to the said Treasurer or Treasurers, Trustee or Trustees, and to any other officer or officers or other persons whatsoever, who are or shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, all such fees, reward or compensation as they shall think fit, and most conducive to the interest and advantage of the said Society.

How the funds of the Society not immediately required may be invested.

II. And be it enacted, That the said Friendly Society shall and may invest and dispose of all such sum or sums of money as have been or shall be at any time hereafter collected or paid for the purpose and objects of the said Society, the immediate expenditure or application of which is not required, in the purchase of Provincial Debentures or of the Bonds of any corporate bodies in this Province, as the said Society shall think fit and profitable, all provisions and restrictions, and the provisions made in the said Act for the loaning, investment and disposal of the money of the said Society, to the contrary notwithstanding; and that the said Society shall and may loan, invest and dispose of such sums of money, being at their disposal, either in the manner provided by the said Act, or in the purchase of Provincial Debentures or of the Bonds of any corporate bodies in this Province, as they shall deem most expedient and advantageous.

Interpretation.

III. And be it enacted, That the Interpretation Act shall apply to this Act and to the Act hereby amended.

C A P . L X V .

An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the Northern Branch of the River Yamaska.

[10th November, 1852.]

Preamble.

WHEREAS François Daigle and Alexis Dufresne, of the Parish of St. Damase, yeomen, have, at their own cost and charges, erected and constructed a bridge over the Northern branch of the Yamaska River, in the Parish of St. Damase, in the County of St. Hyacinthe, opposite the by-road leading direct from the river to the Church of the said Parish; And whereas they have prayed by their petition, to be authorized to levy Tolls on the said bridge: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby

hereby enacted by the authority of the same, That it shall be lawful for the said François Daigle and Alexis Dufresne, and they are hereby authorized to erect and build a toll-house on or near the said bridge, and also to do all things necessary, useful or convenient, for maintaining and supporting the said bridge, and erecting the toll-house and other dependencies, according to the tenor of this Act.

Authority to
F. Daigle and
A. Dufresne
to levy tolls
on their
bridge.

II. That the said François Daigle and Alexis Dufresne, their heirs and assigns, shall have power, for the purpose of maintaining and supporting the said bridge, from time to time to take and use the land on either side of the river, and there to work the materials and other things necessary for repairing the said bridge, doing as little damage as possible, and making a reasonable compensation to the proprietors and occupants of lands so altered, damaged, or made use of, for the value of such land, or damages caused by the works necessary for constructing and maintaining the bridge, or the toll-house or other dependencies.

Power to take
land.

III. That in case of any difference of opinion or dispute concerning the amount of such compensation, the sum to be paid shall be settled and determined by two arbitrators, one of whom shall be chosen by each party; which arbitrators, before proceeding to hear the parties, shall appoint a third arbitrator who shall neither be a party interested nor a relative of the parties in the degree by law prohibited in civil matters, and shall be authorized, after summoning the parties two days before their meeting for arbitration, to hear the parties and their witnesses and other evidence, and shall, after so hearing the parties, render their award, which shall be drawn up before notaries; and the award shall be communicated without delay by the said François Daigle and Alexis Dufresne, or their representatives, to the party interested, with the offer of the sum adjudged by the majority of the arbitrators; Provided always, that the said François Daigle and Alexis Dufresne shall not proceed to the construction of the said toll-house and other works, by which any individual may be deprived of his land or may suffer damage, until the price or value of the lands and damages estimated shall have been paid to such person, or offered to him.

Compensation
to be settled
by arbitrators.

Proviso.

IV. That the property of the said bridge, toll-house, and other dependencies, which are or may be erected thereon, or near thereto, and also of the ascents and approaches to the said bridge, shall be vested in the said François Daigle and Alexis Dufresne, their heirs and assigns for ever, provided that after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said bridge and dependencies, and the ascents and approaches thereto, upon paying to the said François Daigle and Alexis Dufresne, or their

Property vested in F. Daigle and A. Dufresne.

Her Majesty may assume possession.

their representatives, the value which the said bridge and dependencies, at the time of such assumption, shall bear and be worth.

V. And whereas it is alleged that the said bridge is now built in a proper manner ; Be it enacted, That so soon as it shall be certified by two Justices of the Peace for the District of Montreal, that the said bridge is built in a proper manner, and that the opening and draw-bridge necessary for the passage of vessels and boats, are of the dimensions required, and that the necessary conditions have been fulfilled after examination thereof by three experts, to be appointed and sworn by the said Justices of the Peace, and such certificate shall have been published in one of the newspapers of the District of Montreal, it shall be lawful for the said François Daigle and Alexis Dufresne, their heirs and assigns, to demand, receive, recover, and take to and for their own use and profit, for pontage, in the name of a toll or duty, before the passage over the said bridge shall be permitted, the following sums :

Rate of Tolls.

	D
For a vehicle drawn by one horse.....	2
For a vehicle drawn by two horses.....	4
For each person on horseback.....	1½
For each ox and head of cattle.....	1
For each sheep.....	½
For each person on foot.....	½

Tolls may be diminished.

VI. That it shall be lawful for the said François Daigle and Alexis Dufresne, and their assigns, to diminish the aforesaid tolls, and they shall affix, in some conspicuous place, near the toll-gate, a table, in the English and French languages, of the rates payable for passing over the said bridge.

Table of Tolls.

Exemption of mail carriers, &c., from toll.

VII. Provided always, that no person, horse or carriage, employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses nor carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces, or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and 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.

Tolls vested in F. Daigle and A. Dufresne.

VIII. That the said tolls shall be, and the same are hereby vested in the said François Daigle and Alexis Dufresne, their heirs and assigns, for ever : Provided, that if Her Majesty shall assume the possession of the said bridge, in the manner aforesaid, after the expiration of fifty years, then the said tolls shall belong to Her Majesty, Her Heirs and Successors, who shall be substituted in the place and stead of the said François Daigle and Alexis Dufresne, for the purposes of this Act.

Proviso.

IX. That if any person shall forcibly pass over the said bridge, without paying the toll, or shall disturb the said François Daigle and Alexis Dufresne, or their representatives, in the works and repairs which they may execute on the said bridge, or on the roads and avenues leading thereto, every person so offending shall in each case, for every such offence, forfeit a sum not exceeding forty shillings, currency. Penalty for evading tolls.

X. That the said François Daigle and Alexis Dufresne, and their representatives, shall keep, give and maintain an opening and passage commodious and sufficient between the piers in the middle of the river, of at least thirty feet in width, and shall erect a draw bridge over the deepest water, of at least forty feet in width, to allow a free and uninterrupted passage at all times to steamers and other vessels. Draw-bridge and passage to be maintained.

XI. That so soon as the said bridge shall be opened for the use of the public no person shall erect, or cause to be erected, any bridge, or establish any other means of passage for the transport of any persons, cattle or vehicles, for gain or hire, across the said branch of the River Yamaska at that place, or within the distance of three quarters of a league either above or below the same, under a penalty of forty shillings, currency, for each person, animal or vehicle so taken across the said river : No other bridge may be erected. Provided, that nothing in this Act contained shall be construed to prevent the public from crossing any of the fords of the said river, or from crossing the said river within the aforesaid limits, in canoes, or otherwise, without gain or hire. Proviso.

XII. That if any person shall maliciously pull down, burn or destroy the said bridge, or any part thereof, every person so offending, and being thereof legally convicted, shall be deemed guilty of felony. Malicious injuries.

XIII. That the said François Daigle and Alexis Dufresne shall keep and maintain the said bridge in good order for the safe passage of travellers, cattle and vehicles ; and in case the said bridge shall at any time become impassable or unsafe, the said François Daigle and Alexis Dufresne and their representatives are hereby required, within two years from the time at which the said bridge shall be ascertained and declared to be impassable or unsafe, by the Court of General Quarter Sessions, in and for the District of Montreal, and after notice thereof shall have been given to them, or any of them by the said Court, to repair, construct, and re-build the said bridge, and make the same safe and commodious for the passage of travellers, cattle and vehicles ; and if within the said time the said bridge be not repaired, or rebuilt, as the case may be, then the said bridge, or such parts thereof as shall be remaining, shall be and be taken as the property of Her Majesty, and the said François Daigle and Alexis Dufresne and their representatives shall cease to have any right or title in or claim upon the said bridge. Bridge to be kept in repair.

XIV.

Rights of the
Crown saved.

XIV. That this Act, or any of the provisions therein contained shall not extend to weaken, or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any person, body politic or corporate, in any of the things therein mentioned, except as to the powers hereby given to the said François Daigle and Alexis Dufresne.

Penalties how
disposed of.

XV. That the penalties hereby imposed shall be levied upon proof before a Justice of the Peace for the District of Montreal, either by the confession of the offender, or by the oath of two credible witnesses, which oath such Justice of the Peace is hereby empowered to administer, by seizure and sale of the goods and chattels of the offender, by a warrant signed by such Justice of the Peace ; one half of which penalties shall belong to Her Majesty, and one half to the person suing for the same.

Fines, &c.,
how disposed
of.

XVI. That the moneys to be levied by virtue of this Act, and not hereinbefore granted to the said François Daigle and Alexis Dufresne, and the several fines hereby imposed, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and successors, for the public uses of the Province, and the support of the Government thereof ; and the due application of such moneys, fines and penalties shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as shall be directed.

How bridge
shall be con-
structed.

XVII. Provided always, That the said bridge shall be constructed as follows, that is to say : two hundred and forty feet in length, fifteen feet in width, with abutments eighteen feet high, and with one arch in the middle of the river, thirty-six feet in height above the level of the stream.

Public Act.

XVIII. That this Act shall be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and other persons whomsoever, without being specially pleaded.

C A P. L X V I.

An Act to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water.

[10th November, 1852.]

Preamble.

WHEREAS certain inhabitants of the City of Hamilton have petitioned for the passing of a law incorporating a Joint Stock Company, for the purpose of supplying the said City with Water : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of

of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Mills, Robert J. Hamilton, Samuel B. Freeman, Calvin McQuesten, Henry J. Lawry, George M. Ryckman, Alexander Carpenter, Sir Allan Napier MacNab, Henry McKinstry, Robert Roy, Jas. Adam, Michael W. Browne, Charles A. Sadleir, Æneas Kennedy, Robert R. Smiley, Donald Stuart, John C. Munro, W. L. Distin, Hutchinson Clark, Wm. G. Kerr and Thomas Davidson, with such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, are hereby constituted and declared to be a body corporate and politic, by and under the name and style of *The Hamilton Water Works Company*; and that by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, and suing and being sued, and taking all other proceedings in all courts of law and equity in all manner of actions and matters whatsoever; and also of purchasing and holding for the uses of the said Company, any real or personal estate, and of letting, conveying or otherwise disposing of the same, and to have a corporate seal, and to alter the same at pleasure.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That it shall and may be lawful for the said Company, and their successors, and their agents, servants and workmen, and they are hereby authorized and empowered, to enter into and upon the lands of any person or persons, bodies politic or corporate, within ten miles of the said City of Hamilton, and to survey, set out and ascertain such parts thereof, and divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper for the purposes of the said Company, and to contract with the owners or occupiers of the said land, and those having an interest or right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said Company; and in case of any disagreement between the said Company and the owners or occupiers of such lands or persons having an interest in the said water or the natural flow thereof, or any part thereof, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them, or otherwise, it shall and may be lawful for the owners or occupiers so disagreeing with the said Company upon the value of the said lands, rights or privileges, or the amount of such damages, to nominate and appoint one indifferent person, and for the said Company to nominate an indifferent person, who, together with one other person to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the

Empowered to survey, enter upon and hold real property.

Arbitrators to be named in case of disagreement.

the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said City, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of Wentworth, or the said City, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties, according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three months from date of award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume the possession of his property, and all his rights shall thereupon revive: And in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the Judge of the County Court of the County of Wentworth may, upon application of the Company, as often as occasion may require, name an arbitrator in his stead, and the award of such arbitrator and those to be named as aforesaid, or a majority of them, shall be binding on all parties concerned, subject as aforesaid.

Proviso:
award may be
set aside.

Empowered
to erect cer-
tain works;

III. And be it further enacted by the authority aforesaid, That the lands and water which shall be so ascertained, set out or appropriated by the said Company for the purposes thereof, as aforesaid, shall thereupon, and for ever thereafter, be vested in the said Company, and their successors, but subject nevertheless to the provision hereinbefore contained for the resumption of the same, and it shall and may be lawful for the said Company and their successors to construct, erect and maintain upon the said lands, all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and such springs and streams, and the said City of Hamilton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said Company and their successors and their servants are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and upon, over and through the highways and roads of the Township of Barton, in the said County of Wentworth, and through the public ways, streets, lanes or other passages of the said City of Hamilton,
and

To lay down
pipes, &c.

and in, upon, through or under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof, as they the said Company or their successors shall think necessary and proper for the making and maintaining of the said works, and for distributing the waters of the said Company's establishment to the different inhabitants of the said City of Hamilton, or for the uses of the Corporation of the said City, and upon such terms and prices as they can agree upon, and for this purpose to sink and lay down pipes, trunks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Company or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid, such work to be done within the City being subject nevertheless to the By-laws and Orders of the Corporation of said City.

IV. Provided always and be it enacted, That nothing herein contained shall extend to authorize the said Company or any persons acting under their authority, to take, use, or injure or damage for the purposes of the said Water Works, any house, or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees, nor to convey from the premises of any person, any water already appropriated, necessary for his domestic uses, without the consent in writing of the owners or proprietors thereof first had and obtained.

Proviso: Company not to injure or damage certain private property.

V. And be it enacted, That if any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company or their managers, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the works of the said Company, or if any person shall throw or deposit any thing or noisome or offensive matter into the water of the said Company, or in any way foul the same, or commit any wilful damage or injury to the works or water of the Company, or encourage the same to be done, every person offending in any of the cases aforesaid shall, besides being subject to an action at law for the damages done thereby to the said Company, be held guilty of a misdemeanor, and upon conviction thereof before any of the Courts of Criminal Jurisdiction in the County of Wentworth, shall be punished by such Court by fine and imprisonment, or either, at the discretion of the Court, as in other misdemeanors at common law, or by summary conviction as hereinafter provided for,

Parties wilfully hindering Company in the exercise of their power, subject to penalties.

Works to be completed in five years.

VI. And be it enacted, That in case the works for supplying the said City of Hamilton with water as aforesaid, shall not be completed within five years from and after the commencement of this Act, then and from thenceforth all the powers and authorities herein contained relative thereto, shall cease and determine, save only as to so much and such parts thereof as shall have been completed within the said term of five years, and the proper use of the waters then at the disposal of the said Company, and such property as the said Company may have paid for.

Regulations for management of officers of Company.

VII. And be it enacted, That the property, affairs and concerns of the said Company, shall be managed and conducted by three Directors, or such number as shall be required by the By-laws of the said Company, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten Shares, and be elected on the first Monday in January, in each and every year, at the said City of Hamilton, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said City of Hamilton, at least one month previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for such Directors shall be by ballot, and the persons to the number required, who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number than required shall appear to be chosen Directors, by admitting them both, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number required; and the said Directors so chosen, so soon as may be after such election, shall proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors or in the Presidency, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a Stockholder or Stockholders, to be nominated by a majority of the Directors present at any Meeting called for the purpose.

Elections of Directors.

Parties entitled to vote.

VIII. And be it enacted, That each Stockholder shall be entitled to a vote for each share which he, she, or they shall have held in his or her own name, at least one month prior to the time of voting.

IX. And be it enacted, That in case it should happen that an election of Directors should not be made on any day when pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to be named by a majority of Stockholders, to make an election of Directors in such manner as shall have been regulated by the By-laws and ordinances of the said Company.

Election of Directors on the day not legally appointed, to be valid.

X. And be it enacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such Rules, Orders and By-laws as to them shall seem right and proper, touching the management and disposition of the affairs, stock, property, estate and effects of the said Company, and the preservation of the same from spoil or injury, and for the summary conviction of any person who shall trespass upon, injure or spoil any of the said Company's works, water or property, and the number of Directors, and touching the duty of the officers, clerks and servants, and all such matters and things as appertain to the business of the said Company, and from time to time to alter or repeal such By-laws, Orders and Regulations or any of them, and to make others, and to impose and inflict such reasonable fines and forfeitures, to be levied and recovered by such ways and means as hereinafter mentioned, upon and against all persons offending against the same as to the Directors for the time being or a majority of them shall seem meet, not exceeding the sum of five pounds for any offence, which said Rules, By-laws and Orders imposing any such penalty, being reduced into writing, under the common seal of the said Company, and printed and published and painted on boards, shall be hung up and affixed on the front of the Water works, and shall from time to time be renewed as often as the same shall be obliterated, defaced or destroyed (so as to render them illegible) and that such Rules, By-laws and Orders shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity, to justify all persons who shall act under them: Provided that such Rules, By-laws and Orders be not repugnant to the laws of the Province, or to any direction in this Act contained, and that any summary conviction shall be a bar to any other prosecution for the same offence.

Directors empowered to make By-laws, &c.

Proviso.

XI. And be it enacted, That on the first Monday in January next, a meeting of the Stockholders shall be held in the said City of Hamilton, who in the same manner as hereinbefore provided, shall proceed to elect three persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in January after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; Provided always, that if shares shall not then be taken to the amount of one thousand

Day appointed for election of Directors.

Proviso.

thousand pounds in the Capital Stock of the said Company, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in any paper or papers published in the said City.

Real estate
limited.

XII. And be it enacted, That the whole Capital or stock of the said Company, exclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value twenty-five thousand pounds, to be held in one thousand shares of twenty-five pounds each, and that the shares of the said Capital Stock may after the first instalment shall have been paid in, be transferred by the respective persons subscribing or holding the same, to any other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Directors may
call in instal-
ments.

XIII. And be it enacted, That so soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the aforesaid City, for an instalment of five per cent upon each share which they or any of them may respectively subscribe, and that the residue of the sums or shares of the Stockholders shall be payable by instalments at such time and in such proportions as a majority of the Directors shall agree upon and order by such notice as aforesaid, so that no instalments shall exceed five per cent, nor become payable in less than thirty days after such public notice; Provided always, that the said Directors shall not commence the construction of any works belonging to the said Company, until the first instalment shall be paid in.

Proviso.

Stockholders
refusing to
pay—proceed-
ings thereon.

XIV. And be it enacted, That if any Stockholder or Stockholders shall refuse or neglect to pay at the time required any instalment or instalments that shall be lawfully required by the Directors, upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall thereby in the discretion of the Directors, forfeit such share or shares, with any amount that shall have been previously paid thereon, if such instalment or instalments shall not be collected from him; and the said Company may in their corporate name, sue any such person who was a Shareholder at the time any call was made upon the stock, for any such call or instalment, in any court having jurisdiction upon contract to such sum, and shall have such remedy for the collection thereof, as is given by such court to persons for other demands within the jurisdiction of such court; and the said forfeited share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys of the said Company; Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment due thereon, over and above the purchase money of the share or shares

Proviso as to
purchasers of
forfeited stock.

shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share so purchased as aforesaid; Provided also, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the said City, and that the instalments due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof. Proviso.

XV. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem desirable, and that once in each year an exact and particular statement shall be rendered of the then actual state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at any time at his or their reasonable request. Annual dividends to be made.

XVI. And be it enacted, That all fines, penalties and forfeitures imposed by any By-law, Rule or Regulation of the said Company, shall and may be recoverable with costs, before any two Justices of the Peace having jurisdiction over the locality where the offence was committed, or fines, penalties or forfeitures incurred, upon the oath of any person or persons, or the confession of the party offending, which oath the said Justices are hereby authorized to administer, and in default of payment the same shall be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of the said Justices or one of them, before whom such party was convicted; and the said fines and forfeitures, after deducting the reasonable charges of such distress and sale, shall be paid over to and for the use of the said Company, and in case sufficient distress cannot be found whereof to levy such fines, forfeitures and costs, it shall and may be lawful for such Justices or one of them to commit such offender or offenders to the Common Gaol or House of Correction of the County or City, there to remain in safe custody for such time not exceeding three months, as such Justice or Justices may order by warrant under his or their hand or seal, hands or seals, unless such fines, forfeitures and costs shall be sooner paid. Fines and penalties—how they may be recovered.

XVII. And be it enacted, That 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 after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue and give this Act and the special matter in evidence on the trial. General issue may be pleaded in certain cases, and Act given in evidence.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons without being specially pleaded. Public Act.

CAP. LXVII.

An Act to incorporate the Trustees of *The Hamilton Orphan Asylum.*

[10th November, 1852.]

Preamble.

WHEREAS an Association has been formed in the City of Hamilton for the purpose, among others, of providing for the destitute Orphans of the said City; and whereas certain members of the said Association, and others interested in its welfare, have by their petition represented that the said Association would be rendered more efficient by giving to it the character of a Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Fisher, Edward Jackson, John Young, E. C. Thomas, M. Aikman, J. B. Dayfoot, Sir Allan N. MacNab, and all others who may from time to time be elected to succeed them as Trustees in the manner hereinafter mentioned, shall be and they are hereby nominated and constituted a body politic and corporate by the name and style of *The Trustees of the Hamilton Orphan Asylum.*

Certain persons incorporated.

Corporate name.

Corporate powers.

II. And be it enacted, That the said Corporation shall have perpetual succession, and may have a common seal with power to break, change and renew the same, when and as often as they shall think proper; and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province; and that, by the same name, they, the said Trustees, and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation, all lands and property, moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation, and to sell, alienate, convey or lease the same, if need be; provided that the annual income to be derived from such property shall not exceed the sum of fifteen hundred pounds: and the said Corporation shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature.

Quorum of Trustees.

III. And be it enacted, That no act done by the said Trustees shall be valid and effectual unless four of such Trustees, at the least, shall be present, and the major part of them consent thereto.

IV.

IV. And be it enacted, That the said Trustees shall fill up all vacancies which may occur in their body, when and as often as the same shall happen, whether by resignation, absence for twelve months from the City, neglecting to attend to any of the business of the Corporation for six consecutive months, when not absent from the City, or by death.

Trustees to fill vacancies in their body.

V. And be it enacted, That the subscribers to the said Institution shall consist of females only ; the amount of their subscriptions, and the conditions thereof, to be determined, in the first place, by the persons now acting as the Committee or Board of Management, and hereafter, from time to time, by the Ladies' Committee of Management hereinafter named.

Who may be subscribers.

VI. And be it enacted, That the said Trustees shall keep, or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said Institution, and that a meeting of such subscribers shall be held within three months after the passing of this Act, also annually, at a period to be fixed at such first meeting, of the time and place of which meetings the Committee of Management hereinafter named, for the time being, shall give due notice in some newspaper published in the City of Hamilton ; Provided always, that if from any cause such meeting shall not take place at the time so appointed, such meetings may be called as aforesaid at any subsequent time.

List of subscribers to be kept.

Proviso.

VII. And be it enacted, That at the said first meeting, and at each of the future annual meetings, the subscribers then present shall elect from among the subscribers a Ladies' Committee of Management, which shall consist of a President, two or more Vice-Presidents, a Treasurer and Secretary or Secretaries, and such other persons as the subscribers present at such meeting may appoint to the number, in all, of fifteen persons, five of whom shall be a quorum, and who shall continue in office until their successors are appointed.

Ladies' Committee of management.

VIII. And be it enacted, That the Ladies' Committee of Management shall have full power to frame and establish such By-laws, Orders and Regulations, (not being contrary to the laws of this Province or to this Act,) as they shall deem useful or necessary for the conduct or government of the Institution ; and from time to time to alter, repeal and change the said By-laws, Orders and Regulations, or any of them.

Powers of Committee of management.

IX. And be it enacted, That the said Ladies' Committee of Management shall, and may send out to service, and apprentice thereto, or to any healthy trade or business, all youths, male or female, having the protection or aid of the said Institution, to such person or persons, and upon such terms, as to the said Ladies' Committee of Management may seem fit and proper ; and for that purpose shall have power, on behalf of and

Duties of Committee of management—youths may be apprentices.

and for such youths and themselves, to enter into and make with any person or persons with whom such youths may be placed by the said Ladies' Committee of Management, articles of apprenticeship and agreement: and that such articles of agreement may be enforced as well by action at law or in equity for breach thereof warranting any such action, as by summary application to a Magistrate or Justice of the Peace, (who is hereby authorized and empowered to act thereon,) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more Justice or Justices of the Peace in disputes between masters and apprentices: Provided always, that a copy of the articles or indenture apprenticing such youth shall, within three days from the time when such articles or indenture were executed, be lodged with the Clerk of the Common Council of the City of Hamilton, who is hereby required to file such copies.

Proviso as to indentures.

Members of Committee to be Managers of Corporation.

X. And be it enacted, That the persons now acting as the Committee or Board of Management of the said Institution, shall have the like powers and be considered as Managers of the Corporation, until such time as Managers shall be appointed under the provisions of this Act.

Benevolent Society and House of Industry may be established.

XI. And be it enacted, That the Ladies' Committee of Management shall have power to establish, in connection with the said Institution, a Benevolent Society and House of Industry, for the purpose of visiting and relieving the sick and destitute poor, and may frame By-laws and Rules for the management and government of the said Society.

General meetings.

XII. And be it enacted, That the said Trustees, on a requisition signed by not less than five subscribers to the Institution, may, at any time, by a notice to be inserted not less than eight days previously, in one or more of the newspapers published in the City of Hamilton, call a general meeting of the subscribers to the Institution, specifying the hour, day, place and object of the said meeting; and the said subscribers, or the majority of them present at any such meeting, shall have full power to alter, suspend or revoke any By-laws, Orders or Regulations, for the management of the said Institution, after notice of any motion for any such alteration, suspension or revocation shall have been given at the general meeting next preceding that at which such motion shall be made and considered.

Committee of Management to appoint Officers, &c.

XIII. And be it enacted, That the Ladies' Committee of Management shall have power to appoint such officers and servants of the said Corporation as shall be necessary for the conduct and management of the Institution, and to allow them such compensation for their respective services as shall be reasonable.

XIV.

XIV. And be it enacted, That should the subscribers, or the Ladies' Committee of Management, neglect or fail to make such By-laws, Rules or Regulations as may be necessary for the due government of the said Institution, or should such By-laws, Rules or Regulations, or any of them, be disapproved by the Trustees, or a majority of them, then and in every such case the Trustees shall have full power to make the same, and to alter or revoke any of the existing By-laws, Rules or Regulations.

Trustees may
revoke By-
laws.

XV. And be it enacted, That it shall not be necessary to the validity of any act performed by any married woman as a member of the said Ladies' Committee of Management, or as a subscriber to the said Corporation, that she be thereunto specially authorized by her husband, or that her husband join with her, any law, usage or custom to the contrary notwithstanding.

Married
women may
act without
their hus-
bands.

XVI. And be it enacted, That the said Corporation shall be bound to make Annual Returns to the Governor or person administering the Government of this Province, for the time being, shewing the amount of their receipts and expenditure during the last preceding year, and of the real and personal estate held and enjoyed by the said Corporation.

Annual Re-
turns.

XVII. And be it enacted, That this Act shall be a Public Act.

Public Act.

C A P . L X V I I I .

An Act to amend the Act extending the powers of *The British America Fire and Life Assurance Company*, in Marine Assurance.

[10th November, 1852.]

WHEREAS by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance, and to reduce the number of the Directors of the said Company*, the powers of *The British America Fire and Life Assurance Company* to effect Marine Assurances were extended to sea-going risks to and from Foreign Ports as well as the Ports of this Province, but no alteration was by the said Act made in the manner of granting policies therefor; And whereas all Policies of Assurance granted by the said Company must, under the provisions of the Act incorporating the said Company, and the subsequent Acts amending the same, be under the seal of the said Company, and signed by the Governor or Deputy Governor, the Managing Director and any two of the Trustees of the said Company, and in order to enable the said Company effectually to use the extended powers so conferred, it will be necessary

Preamble.

14 & 15 Vict.
c. 40.

necessary

necessary to make provision for the granting of policies by their agents: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the said *The British America Fire and Life Assurance Company*, to appoint under the corporate seal of the Company, resident agents at any port or place within the Province of Canada or elsewhere, for the purpose of effecting at such ports or places, Marine Assurances upon ships, freights and cargoes, and assurances upon lives, or assurances against losses by fire on buildings and property, subject to such conditions, restrictions and provisoes as the said Company shall from time to time establish and impose.

Company
may appoint
Agents.

Validity of
Policies exe-
cuted by
Agents.

II. And be it enacted, That it shall and may be lawful for each and every of the said agents so appointed, to subscribe for, grant and execute Policies of Assurance on ships, freights and cargoes, and assurances upon lives, or assurances against losses by fire on buildings and property, in the name of the said Company, subject to all the conditions, provisoes and restrictions established and imposed by the said Company; and that each and every of the said policies so subscribed for, granted and executed by such agent or agents under his or their seals, as the Attorney or Attorneys of the said Company, shall be as binding upon the said Company in every respect as if the same had been sealed with the corporate seal of the said Company, and signed by the officers of the said Company hereinbefore mentioned, as acquired by the several Acts of Parliament affecting the said Company; any thing in the said several Acts contained to the contrary notwithstanding.

Act of 3 W. 4
repealed.

III. And be it enacted, That so much of the first section of the Act of the Parliament of the late Province of Upper Canada, passed in the third year of the Reign of King William the Fourth, and intituled, *An Act to incorporate a Company under the style and title of the 'British America Fire and Life Assurance Company,'* as limits the existence of the said Company until the third day of November, one thousand eight hundred and eighty-two, be, and the same is hereby repealed.

Company
may insure
with other
Companies
against risks
incurred.

IV. And be it enacted, That it shall always be lawful for the said Corporation to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, or to insure any other Assurance Company against any loss or risk which such other Company may have incurred in the course of their business; and that it shall be lawful for the

the said Corporation to provide by By-law for the manner in which and the officers or agents by whom, Policies of Assurance granted by the Corporation may be executed and signed; and any policy executed and signed in the manner provided by any such By-law, shall be as valid and effectual to all intents and purposes, as if executed and signed in the manner and by the officers prescribed by the Acts now in force relative to the said Company.

V. And be it enacted, That it shall be lawful for all parties effecting assurance with the said Company by or through any accredited Agent thereof in Lower Canada, to proceed at law against the said Company for the recovery of the amount insured, or in any matter in relation to the said assurance, in any Court of competent jurisdiction in Lower Canada; and that service at the office of such Agent, of any writ, process or proceeding in any such case, or upon the said Agent personally, shall, to all intents and purposes, be taken and considered to be legal service upon the said Company.

Remedies of
the assured
against the
Company.

VI. And be it enacted, That from and after the first day of January next, the corporate name of the said Company, now called *The British America Fire and Life Assurance Company*, shall be *The British America Assurance Company*, but such change of name shall not be construed to make the said Corporation a new Corporation, or to cause any action, suit or proceeding commenced before the said day, to abate, but the same may be continued by or against the said Corporation by the name hereby assigned to it upon the suggestion of the passing of this Act.

Name of Com-
pany changed.

C A P. L X I X.

An Act to amend the Act for the Incorporation of the *Provincial Mutual and General Insurance Company*, of the City of Toronto.

[10th November, 1852.]

WHEREAS it is desirable to amend an Act passed in the twelfth year of Her present Majesty's Reign, intituled, *An Act to incorporate the Provincial Mutual and General Insurance Company*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Proprietary Stock of the said Company may be increased to and shall not exceed the sum of five hundred thousand pounds of lawful money of this Province.

Preamble.

12 Vic., c.
167.

Proprietary
Stock in-
creased.

Chattels may
be insured in
Mutual
Branch.
Proviso.

II. And be it enacted, That in the Mutual Branch, the said Company shall have, and are hereby given full power and authority to insure goods and chattels as well as buildings, to any sum not exceeding the amount of one thousand pounds ; Provided always, that in no case, except in the classes denominated as first class and second class buildings, shall a larger sum than five hundred pounds be insured in that branch, on any one risk, upon either real property or upon goods and chattels, or upon both, in cases where the goods and chattels are in or upon the real property insured.

Assessments
may be made
on premium
notes in the
Mutual
Branch.

III. And be it enacted, That for and notwithstanding any thing in the twenty-second Section of the said Act contained, it shall and may be lawful for the said Company, to make assessments from time to time upon the premium notes of the Company, taken in the said Mutual Branch, to meet all contingent expenses and to provide for prospective losses and deficiencies, in such manner and to such amount as to the Board of Directors shall from time to time seem advisable.

Special Fund
created for the
payment of
Life Losses.

IV. And be it enacted, That such portions of the moneys and securities, together with interest and accumulated profits on the same, received by the said Company for premiums on account of Life Assurance, or received in any manner on account of the Life Branch, as shall from time to time, by order of the Board of Directors to be made for that purpose, be set apart on the books of the said Company as applicable only to losses in the Life Branch, shall not at any time thereafter be applied or be applicable to, or be used or taken for the payment of any loss, debt, judgment, execution or claim against the said Company ; but shall, in all future time, be only applied and applicable to the payment of losses sustained upon policies in the said Life Branch, any thing in the said Act contained to the contrary thereof notwithstanding.

Awards under
Section 12 of
the said Act
to be final.

V. And be it enacted, That for and notwithstanding any thing in the twentieth Section of the said Act contained, any award hereafter made in pursuance thereof shall be final, binding and conclusive between the parties.

Company
insuring in
Lower Cana-
da may there
be sued, and
service on
Agent to be
legal.

VI. And be it enacted, That it shall be lawful for all parties effecting insurance with the said Company, by or through any accredited agent thereof in Lower Canada, to proceed at law against the said Company for the recovery of the amount insured, or in any matter in relation to the said insurance, in any Court of competent jurisdiction in Lower Canada, and that service at the office of such Agent, of any writ, process or proceeding in any such case, or upon the said Agent personally, shall to all intents and purposes be taken and considered to be legal service upon the said Company.

Name
changed.

VII. And be it enacted, That the name of the said Company shall be changed to, and shall be hereafter called and known as
The

The Provincial Insurance Company of Toronto, and by that style and title, shall have the like powers and privileges, and be subject to the like liability as the *Provincial Mutual and General Insurance Company*; and any debt, liability, contract, agreement, claim or cause of action heretofore existing, accrued or made by, to or with the said Company, and all deeds, bonds, agreements, notes, writings and instruments made with, to or by the said *The Provincial Mutual and General Insurance Company*, shall remain in full force and effect, as if this Act had not been passed, and may be sued for in the name of *The Provincial Insurance Company of Toronto*, by which name the said Company may sue, and be sued as well on account of any thing heretofore done, as now or hereafter to be done, the said latter name, standing in the place of, and having the same force and effect as the said former name.

Effect of such change.

C A P. L X X.

An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.*

[10th November, 1852.]

WHEREAS the Niagara Harbour and Dock Company and Clarke Gamble, of the City of Toronto, Esquire, Assignee and Trustee thereof, have by their Petition to the Legislature, represented that they have found it impracticable under the powers conferred upon them by the Act relating to the said Company, passed in the now last Session of the now last Parliament of this Province, to effect the sale contemplated in and by that Act, the same being, as they are advised, ineffectual for the purpose proposed, and have therefore prayed that an Act may be passed amending the said Act in the manner and according to the terms of the draft annexed to their said Petition, and it is expedient and proper that the prayer of their said Petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Company and the said Clarke Gamble shall be and they are hereby authorized to sell and dispose of the Wharves, Docks, Rail-ways, Machinery and property generally of the said Company and the said Clarke Gamble or either of them, in like manner as the lands and premises referred to in the Act of the Parliament of this Province, passed in the

Preamble.

Power given to sell certain property.

Session

14 & 15 V. c. 153. Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.*

Estate vested in the purchasers.

II. And be it enacted, That upon any such sale the said Company and the Stockholders therein and each and every of them and the said Clarke Gamble, shall cease to have any claim, estate, interest, control or privileges in or over the property real or personal that may be so sold; and any purchaser or purchasers of such property, his or their heirs or assigns, shall and may use and employ the same to and for his or their own use and benefit, free from any present or future claim of the said Company or the said Stockholders, or any of them, or of the said Clarke Gamble, in or to the same, or in respect thereof.

Certain powers vested in such purchasers.

III. And be it enacted, That any such purchaser or purchasers, his or their heirs or assigns, is and are hereby empowered to repair and maintain the present Docks, Wharves, Piers and other constructions and erections of the said Company, and the said Clarke Gamble or either of them, or to substitute from time to time others in their place, and the same from time to time to maintain, repair and uphold, and generally to exercise the powers and privileges conferred upon the said Company in and by the Second Section of the Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate the Niagara Harbour and Dock Company*; Provided however, that such purchaser or purchasers shall not acquire or take any right or title in or to the Harbour at Niagara further than as may be necessary for the erection thereat or therein of Wharves, Piers and Docks, as authorized by the original Act of incorporation of the said Company; and further provided that all and every the rights and privileges specially reserved to the Crown, under the nineteenth, twentieth and twenty-first Sections of the said last recited Act shall remain in force.

Act of U. C. 1 W. 4. c. 13.

Power to such purchasers to demand tolls and enforce payment thereof.

IV. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns, from time to time to fix, demand and receive, to and for his or their own use, wharfage, tolls and dues to be paid for or in respect of vessels using or partaking of the benefit of the said Wharves or Docks, and on goods, wares and merchandize shipped or unloaded at and from the said Wharves or Docks, or stowed in any storehouse there, and to detain any such vessel and any such goods, wares and merchandize until such charges thereon be paid, and if such charges be not paid within one month after the same shall have been incurred and notice thereof shall have been given to the owner or owners of any such vessel, goods, wares or merchandize, then the same to sell by public auction after an advertisement of such sale

sale shall have been given in the newspaper published nearest to the locality of the said Wharves or Docks, at least one week prior to the time fixed in such advertisement for such sale.

V. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns from time to time, to lease and to farm let the whole or any part of the lands, tenements, hereditaments and premises of the said Niagara Harbour and Dock Company for such period or periods as he or they may choose, reserving such rent or rents as may from time to time be agreed to be paid by the lessee or lessees thereof, with power to such purchaser or purchasers, his or their heirs or assigns from time to time to distrain for arrears of rent due the Company or arising or accruing upon any such lease or leases hereafter to be executed.

Purchaser may form the lands.

VI. And be it enacted, That nothing in this Act contained shall be construed to interfere with or annul any existing legal rights of any Creditor or other person or persons having claims against the said Company, or of any person or persons to whom any such rights may have been transferred.

Rights of Creditors saved.

C A P . L X X I .

An Act to amend the Act, intituled, *An Act to incorporate the Orphan's Home and Female Aid Society, Toronto.*

[10th November, 1852.]

WHEREAS it is desirable to amend the Act intituled, *An Act to incorporate the Orphan's Home and Female Aid Society, Toronto*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Corporation, in such manner and upon such terms, and subject to such Rules and Regulations now made or hereafter to be made by the said Corporation, as to the said Corporation shall seem fit, to put and bind out as an apprentice, any child or minor under the charge, care or protection of the said Corporation, and that all the provisions of the Act passed in the fifteenth year of Her Majesty's Reign, intituled, *An Act to amend the Law relating to Apprentices and Minors*, shall, so far as may be consistent with the Rules of the said Corporation, and with the terms of the apprenticeship, apply to the case of each such apprentice.

Preamble.
14 & 15 Vic.
c. 34, cited.

Corporation may bind out as apprentices any children under their charge.

14 & 15 Vic.,
c. 11, cited.

CAP. LXXII.

An Act to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein.

[10th November, 1852.]

Preamble.

Act of U. C.,
2 Geo. IV,
c. 5, cited.

WHEREAS by an Act of the Legislature of Upper Canada, passed in the second year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, intituled, 'An Act for the better regulating the practice of the law,' and to extend the provisions of the same,* it is among other things enacted, That from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney, unless upon an actual service under Articles for five years with some practising Attorney; And whereas it appears by the petition of Neil Cameron McIntyre, of the City of Toronto, Barrister at Law, and the affidavit thereunder made and the certificate thereon indorsed, that the said Neil Cameron McIntyre has faithfully served under his Articles of Clerkship and assignments thereof, the full term of five years; And whereas the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, are not empowered to admit him a Solicitor and Attorney in the said Courts respectively, owing to an irregularity in the said service, caused by the unexpected and continued absence from Canada, of James William Muttelbury, late of Toronto aforesaid, Esquire, to whom the said Neil Cameron McIntyre was under Articles by an assignment of his original Articles; And whereas it is reasonable and just, under the circumstances of the case, that the Court of Chancery in Upper Canada should be authorized, in their discretion, and the Courts of Queen's Bench and Common Pleas in Upper Canada should be authorized, in their discretion, to admit the said Neil Cameron McIntyre to practise as a Solicitor and Attorney in the said Courts respectively, and it is therefore expedient to grant the prayer of his petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Chancery in and for that part of this Province which formerly constituted the Province of Upper Canada, in their discretion,

Courts in U.
C. are author-
ized, in their

discretion, to admit the said Neil Cameron McIntyre to practise as a Solicitor in the said Court of Chancery, and that it shall also be lawful for the Courts of Queen's Bench and Common Pleas in that part of this Province last aforesaid mentioned, in their discretion, to admit him to practise as an Attorney in the said Courts respectively ; any law or usage to the contrary notwithstanding.

discretion to admit N. C. McIntyre as a Solicitor or Attorney.

C A P. L X X I I I .

An Act for the relief of John Knatchbull Roche, of the Town of Port Hope, in the County of Durham, Provincial Land Surveyor.

[10th November, 1852.]

WHEREAS John Knatchbull Roche, Provincial Land Surveyor, did, under the direction of the Provincial Government, and by the authority of the Magistrates of the District of Newcastle, in the year of our Lord, one thousand eight hundred and forty-six, make a survey of the Township of Hamilton, in the said District, and did furnish and erect permanent cut stone monuments at each end of the several concession lines therein ; And whereas the said Magistrates in Quarter Sessions, approved of such survey, and allowed the account presented for the said services, to the amount of three hundred pounds, and ordered an assessment of one penny farthing per acre, on each and every acre of land in the said Township, for the payment of the same ; And whereas under the said assessment, in consequence of omissions of duty on the part of various officers of the District and Township, the sum of fifty pounds only has been paid to the said John Knatchbull Roche ; And whereas no power now exists to direct the levying of such rate, and the said John Knatchbull Roche is without any remedy for the recovery of the residue of the said three hundred pounds, and it is just that the United Counties of Northumberland and Durham, formerly constituting the District of Newcastle, should be rated to pay the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted and declared by the authority of the same, That the balance of the said debt, being the sum of two hundred and fifty pounds, and interest thereon from the Sixth day of July, one thousand eight hundred and forty-seven, to the time of payment, and the costs of a certain action brought by the said John Knatchbull Roche against the Municipality of the said Township of Hamilton for recovery of the said debt, being the sum of fifty-two pounds eleven shillings and two pence, be, and the same is hereby declared to be a debt,

Preamble.

The sum due to J. K. Roche declared a debt of the said United Counties, and recoverable from the Municipality thereof, with interest

and the costs
of a certain
action.

debt, due and owing and payable from and by the Municipality of the said United Counties of Northumberland and Durham, to the said John Knatchbull Roche, his executors, administrators and assigns, to be paid out of the general funds in the Treasury thereof, raised or to be raised, for general purposes, or for the special purpose of paying the same, provided there be not sufficient funds in hand for that purpose, when this Act shall come in force ; and the same may be sued for and recovered by the said John Knatchbull Roche, from the said Municipality, in the same manner as any other debt due by such Municipality may be sued for and recovered ; and the said Municipality shall and may rate and raise the same, in addition to the other rates required for other legal purposes, or such portion thereof as may be necessary to pay said debt, upon estimate in the usual and legal way, as part of the estimated amount which may be required for the purposes of the said United Counties for the year one thousand eight hundred and fifty-three.

QUEBEC:—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE
SIXTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE FOURTH PARLIAMENT
OF CANADA

Begun and holden at Quebec on the Nineteenth of August and adjourned on the
Tenth of November, 1852, to the Fourteenth February following:

~~~~~  
**PART SECOND.**

FROM 14TH FEBRUARY, 1853.  
~~~~~



HIS EXCELLENCY THE RIGHT HONORABLE
JAMES, EARL OF ELGIN AND KINGARDINE, K. T.
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

Anno Domini, 1853.





ANNO SEXTO-DECIMO

VICTORIÆ REGINÆ.

CAP. LXXIV.



An Act to appropriate certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada.

[Assented to 17th March, 1853.]

WHEREAS it is expedient to appropriate for Educational purposes, in Lower Canada, the several sums hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted and declared by the authority of the same, That out of the unexpended or unappropriated balance of the Common School Fund for Lower Canada, for the year one thousand eight hundred and fifty-one, there shall be appropriated and paid, in such sums and manner as the Governor in Council may direct, a sum not exceeding Three Thousand Pounds currency, as an aid for the building or finishing of School Houses in Lower Canada, under the direction of School Commissioners, or for making considerable repairs thereto.

£300 as an aid towards building or finishing School Houses in L. C.

II. And be it enacted, That out of the said balance there shall be appropriated and paid in like manner a sum not exceeding Five Hundred Pounds currency, as an aid towards the formation of Parish and Township Libraries, in localities in Lower Canada where adequate contributions may have been made for the same object.

£500 as an aid towards Parish and Township Libraries in L. C.

III. And be it enacted, That a sum not exceeding Five Thousand Pounds currency shall be taken and paid out of the said balance, as an aid towards any appropriations which may be made by Parliament during the present session for the support of Education in Lower Canada.

£5,000 as an aid towards appropriations to be made for Education in L. C.

IV. And whereas it is expedient to define by law what amount shall be paid out of the Jesuits' Estates Fund, for the years one thousand eight hundred and fifty-two, and one thousand

thousand

14 & 15 V. c.
97.Appropriation
towards the
expenses of
the Normal
School for
L. C.

thousand eight hundred and fifty-three, towards providing for the remuneration of the School Inspectors and for the establishment and maintenance of a Normal School in Lower Canada, under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada*: Be it therefore enacted, That out of the said Fund, there shall be appropriated and paid for the above purposes, a sum not exceeding Two Thousand Pounds currency for each of the said years, the balance necessary for such services during the said years being taken out of the unexpended or unclaimed balance of the Common School Fund, as provided by the Act last above cited.

£5,000 as an
investment at
interest for
site, buildings
and repairs of
the said Nor-
mal School.

V. And be it enacted, That out of the said Jesuits' Estates Fund, there shall and may be paid, as an investment at the rate of five per cent. interest per annum, payable half yearly, to be reckoned from the first day of January now last past, a sum not exceeding Four Thousand Five Hundred Pounds currency, for the purchase of a site and buildings for a Normal School at Montreal, and a further sum not exceeding Five Hundred Pounds currency, for the necessary repairs thereto; the interest as aforesaid to be paid into the said Fund, out of the said unexpended or unclaimed balance of the Common School Fund for Lower Canada, as the first charge thereon, and out of any moneys which may be hereafter otherwise appropriated by law towards the said Normal School.

Due applica-
tion to be ac-
counted for.

VI. And be it enacted, That the due application of the moneys hereby appropriated 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.

C A P . L X X V .

An Act to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal.

[Assented to 17th March, 1853.]

Preamble.

WHEREAS the construction of a Railway Bridge over the River St. Lawrence, at or in the immediate vicinity of the City of Montreal, which should be open on fair terms to the use of all the Railways from various parts of the Province and of the United States, running to or through the said City, would be of the greatest advantage to the people of every part of this Province, and is essential to the well working and success of the various Railways in progress throughout the length and breadth thereof; And whereas divers of the said Railway Companies have petitioned that the Grand Trunk Railway Company

of

of Canada may be authorized to construct such Bridge, subject to the provisions and conditions hereinafter made, and the said Company are willing and have petitioned for power to undertake the construction thereof on such terms and conditions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That *The Grand Trunk Railway Company of Canada*, or any Company which shall be formed by the union of the said Company with any one or more Railway Companies under the Act in that behalf, shall have full power and authority to construct a Railway Bridge to be called and known as "*the Victoria Bridge*," across the River St. Lawrence, from some point in the City or parish of Montreal, above the point known as the "*Ruisseau Migeon*," to some point in the parish of St. Antoine de Longueuil or in the parish of Laprairie de la Madeleine, and to construct on either side of the said River and within the said City or any of the parishes hereinbefore mentioned, such branch railways, wharves, embankments, piers, stations, inclined planes, and other works of any kind as may be necessary for the convenient using of the said Bridge, or for connecting it with any railway coming within the said City or any of the parishes aforesaid, or for the safety and protection of the said Bridge or Works, or for complying with any condition to be imposed by the Governor in Council under the provisions hereinafter contained.

Power to construct a Railway Bridge and other works over the River St. Lawrence, within certain limits.

II. And be it enacted, That the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said Bridge and the other works hereinbefore authorized, or for the convenient using of the same, or for any other purpose authorized by this Act, subject always to the enactments, provisions, limitations and restrictions made and contained in the Act of the present Session, intituled, *An Act to incorporate the Grand Trunk Railway of Canada*; which said Act, (including all the clauses of *The Railway Clauses Consolidation Act*, incorporated therewith, and which are always included when the said Act is mentioned in this Act) shall, in so far as the same may not be inconsistent with this Act, extend and apply to the said Bridge, Branch Railways and other works the construction of which is hereby authorized, and to all lands and property required for the same, as fully and effectually as to the Railway and other works mentioned in the said Act, of which the Bridge and Works hereby authorized shall be held to form part, except in so far as herein otherwise provided.

Power to take lands, &c.

Provisions of 16 V. c. 37 to extend to the said Bridge and works.

Plans of the Bridge and works to be submitted to the Governor in Council, and the same, with the site thereof, to be approved by him before the work is commenced.

Proviso.

III. Provided always, and be it enacted, That the said Company shall not commence the said Bridge or any work thereunto appertaining, or take possession of any public beach or lands covered with the waters of the River St. Lawrence, or of any Island therein, until they shall have submitted to the Governor in Council, plans of the said Bridge and of all the intended works thereunto appertaining, nor until such plans and the site of the said Bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said Bridge and Works, shall have been complied with; nor shall any such plan be altered or any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that in the construction of the said Bridge, the said Company shall not cause any obstruction in, or in any way impede the free navigation of the River St. Lawrence.

Bridge may be constructed so as to allow the passage of ordinary vehicles.

Tolls to be fixed by the Company.

IV. And be it enacted, That it shall be lawful for the said Company, if they shall think proper, and subject to the approval of the Governor in Council as aforesaid, so to construct the said Bridge as to adapt it to the passage of ordinary vehicles, animals and passengers, and to connect it with the main road on either side of the said River, by ordinary roads to be made by the said Company, and to which and to any other work required under this Section, the provisions of this Act and of the said Act incorporating *The Grand Trunk Railway Company of Canada*, shall apply as to other works authorized by this Act: and it shall be lawful for the said Company to demand and receive Tolls upon ordinary vehicles, animals and passengers passing over the said Bridge under the provisions of this Section, and such Tolls shall be payable before the vehicles, animals or passengers, in respect of which they shall be payable, shall be entitled to pass over the said Bridge.

Provisions in the said Act limiting Tolls, not to apply to the Bridge.

V. Provided always, That no provision in the Act incorporating the Company constructing the said Bridge, or in any Act amending the same or incorporated with it, limiting the rates, tolls and charges to be taken by the said Company for conveying passengers or freight, shall apply to the tolls to be taken for conveying passengers or freight over the said Bridge, but such tolls shall be from time to time fixed by the Directors of the said Company, and shall not be subject to sanction or revision by any other authority.

Certain Railway Companies may agree with the Company constructing the Bridge for the right of connecting

VI. And be it enacted, That it shall be lawful for any Railway Company whose Railway comes within the said City of Montreal or any of the parishes aforesaid, with the consent of the Directors of the Company constructing the said Bridge, to connect such Railway with the said Bridge, or with some Branch Railway made under the authority of this Act and leading to the said Bridge, and to cause their engines and carriages

carriages to pass with their freight and passengers over and along the said Bridge and Branch Railway or either of them, and to discharge and receive passengers and freight at any Station or Depôt of the Company constructing the said Bridge, and for the said last mentioned Company to allow the Company first mentioned so to do upon such terms and conditions as the Directors of the two Companies shall agree upon, and if the guage of the Railways of the two Companies be different, then the Company constructing the said Bridge may (notwithstanding any clause fixing the guage of their Railway) so arrange the lines of Rails thereon, and upon the Branch Line leading thereto from the Railway of the other Company, as that the engines and carriages of such other Company may easily pass over the said Bridge, and along the said Branch, and into and out of any such Station or Depôt as aforesaid; and the terms and conditions to be so agreed upon may extend to the payment by the other Company to the Company constructing the Bridge of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers or the quantity of freight conveyed over the said Bridge, and the services performed or accommodation afforded in respect thereof for such other Company: Provided always, that it shall also be lawful for the Directors of the Company constructing the said Bridge to agree with the Directors of such other Company as aforesaid, that either Company shall receive and convey for the other, passengers and freight between the said City of Montreal, and any Station or Depôt of either Company, and in the carriages of either Company, or shall perform any other service for the other Company, upon such terms and conditions as the Directors of the two Companies shall agree upon; and any agreement made by the Directors of any two Companies under this section shall be binding upon such Companies during the time for which it shall be made, but it shall not be compulsory on the Directors of any Company to make or renew any agreement under this section.

their Railways with it.

Proviso: the Companies may agree as to certain other services, to be performed by one Company for the other.

VII. And be it enacted, That it shall be lawful for the Directors of the Company constructing the said Bridge, to increase the Capital Stock of the said Company, by such sum not exceeding the sum of One Million Five Hundred Thousand Pounds sterling, as may be requisite for constructing the Bridge and Works hereby authorized, or for enabling them to carry this Act into effect, and such increase may be made either by subscriptions for new stock by the then Shareholders of the Company, or by the admission of new subscribers, or in both ways; and the shares of such additional Stock shall be each of the same amount as the shares of the other Stock of the said Company, and all the provisions of the Act incorporating the said Company shall apply to such additional shares, and to the subscribers for or holders thereof, in so far as may not be inconsistent with the express provisions of this Act; or it shall be

Company constructing the Bridge, may increase its Capital, borrow money, &c.

Other Railway Companies may subscribe for Stock of the Company constructing the Bridge, or lend money to such Company: and may construct works for connecting their Railways with the Bridge, and raise money for such purposes.

be lawful for the said Directors to raise the said sum partly by such increase of the Capital Stock of the Company as aforesaid, and partly by loan, and for that purpose to issue Debentures of the said Company, to which all the provisions of the Act incorporating the said Company shall apply, as to the Debentures issued under the authority thereof: and it shall be lawful for the Directors of any other Railway Company, on behalf thereof, to subscribe for and hold shares of such additional Stock as aforesaid, of the Company constructing the said Bridge, and to authorize any person or persons to vote upon such Stock at meetings of the Shareholders of such last named Company, appointing one such person for every hundred shares held by such other Company, and one for any broken number of shares so held less than a hundred; and it shall also be lawful for the Directors of such other Company to lend money to the Company constructing the said Bridge, or to guarantee the payment of the principal or interest or both of any Debentures to be issued under this Act by such last mentioned Company, and to construct any Branch Railway or other work which may be necessary for conveniently connecting the Railway of such other Company with the said Bridge, or for enabling such other Company fully to avail itself of the provisions of this Act, and to increase the Capital Stock of such other Company by such sum as may be necessary to defray the cost of any such work, or to pay any sum which shall become payable by such Company under the provisions of this Act, and such increase may be made either by subscription for new Stock by the then Shareholders of such Company, or by admission of new subscribers, or in both ways, or it shall be lawful for the Directors of such Company to raise such sum partly by such additional Stock and partly by loan, and for that purpose to issue Debentures of such Company; and to all such Branch Railways and other works to be constructed under this Section by any Company other than the Company constructing the said Bridge, and to all shares of the additional Stock of such Company authorized by this Section, and to the subscribers for and holders thereof, and to all Debentures to be issued by such Company, and other the things to be done by or on behalf of the said Company under this Section, the provisions of the Act incorporating such Company, as amended by any subsequent Act, shall apply in so far as they may not be inconsistent with this Act.

Provincial Guarantee and privileged claim not to extend to the said Bridge, or to works constructed under this Act.

VIII. Provided always and be it enacted, That the Guarantee of this Province shall not be extended to any Loan or Debenture to be raised or issued under the authority of this Act or in respect of the said Bridge or any work to be constructed under this Act; and that neither the privilege and prior claim of Her Majesty on behalf of this Province by reason of the Guarantee of the Province granted or to be granted to the Company constructing the said Bridge, or to any other Railway Company, nor any general hypothec or mortgage given by the
Company

Company constructing the said Bridge, or by any other Railway Company before the passing of this Act, shall extend to the said Bridge or to any work constructed solely under the authority of this Act, or to the tolls and profits to be derived therefrom, but the same and the shares held by any other Company in the Stock of the Company constructing the said Bridge, may be separately hypothecated, mortgaged or pledged, and the claim of Her Majesty on behalf of this Province and any such general hypothec or mortgage as aforesaid, shall rank after any special hypothec, mortgage or pledge to be given upon the said Bridge or works or any of them, for securing any sum of money raised or borrowed for the purpose of constructing the said Bridge or any such work as aforesaid: And the Company constructing the said Bridge and Works, or any of them, shall keep such account as shall be necessary for ascertaining the Tolls and income derived from the said Bridge and Works, so as to distinguish them from the other income of the same Company, in so far as may be necessary for determining the respective rights of the creditors of such Company.

Separate accounts to be kept as to the Bridge and works.

IX. And be it enacted, That the Company authorized to construct the Bridge mentioned in this Act, shall commence the same within two years from the passing of this Act, and complete the same for the passage of Railway Carriages and Engines within five years from the same time, otherwise the privileges granted to them by this Act shall cease and determine.

Bridge to be commenced and completed within certain periods.

X. And whereas the Provisional Committee for obtaining a Bridge over the River St. Lawrence at Montreal, have expended considerable sums in Surveys and in collecting information touching the best site for such Bridge and other matters thereunto relating: Be it therefore enacted, That if the Company constructing the said Bridge have used or shall use any information, surveys or plans obtained and made by or at the cost of the said Provisional Committee, the said Company shall pay such sum to the said Committee as may be agreed upon as a fair compensation for the same, or if the said Company and Committee cannot agree, then such sum not exceeding Five Hundred Pounds sterling, as the Board of Railway Commissioners shall fix as the amount of such compensation.

Recital.

Company constructing Bridge, to pay compensation for certain surveys, &c. if used by them.

XI. And be it enacted, That this Act and the Act cited in the second section thereof shall be Public Acts.

This Act and 16 V. c. 37. to be Public Acts.

CAP. LXXVI.

An Act to extend the provisions of the Railway Companies Union Act, to Companies whose Railways intersect the Main Trunk Line, or touch places which the said Line also touches.

[Assented to 17th March, 1853.]

Preamble.

WHEREAS it is expedient to extend the Act hereinafter mentioned to certain other Railway Companies than those mentioned or referred to in the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the present Session of the Parliament of this Province, and intituled, *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company or to purchase the property and rights of such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies*; and all the enactments and provisions therein contained, shall extend and apply to and include any Railway Company whose Railway intersects the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the now last Session of the Provincial Parliament, intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province, or touches any City, Town or place which the said contemplated Main Trunk Line of Railway also touches*, subject always to the amendments and provisions hereinafter made: Provided always that nothing in this Act or in the Act hereby extended, shall be construed to extend the Provincial Guarantee to any Railway which is not otherwise entitled to the same.

Act 16 V. c. 39 extended to certain other Companies.

14 & 15 V. c. 73.

Proviso.

Provision as to corporate name, Directors, &c. if one of the Companies united be the Grand Trunk Railway Company of Canada.

II. And be it enacted, That if one of the Railway Companies forming a Union under the Provincial Act first above cited and this Act, be *The Grand Trunk Railway Company of Canada*, incorporated by an Act of the present Session, chaptered thirty-seven, or any Company formed by the Union of the said Company with any other, then the corporate name of the Company formed by such Union shall be *The Grand Trunk Railway Company of Canada*, and the Directors of the Company so formed shall have the right of voting by proxy, and other the rights and powers vested in the Directors of the said Grand Trunk Railway Company of Canada by the Act incorporating the same, and the number of the Directors of the Company formed

formed by such Union shall be eighteen, (twelve of whom shall be elected by the Shareholders, and six appointed by the Governor of this Province,) unless and until such Company shall renounce the benefit of the Provincial Guarantee, in which case all the Directors shall be elected by the Shareholders; and if there shall be at the time of such Union more than six Directors of one or both of the Companies forming the same, who have been appointed by the Governor of this Province, then such of the said Directors as the Governor shall designate shall retire from office, so as to reduce the number of Government Directors to six; and the Directors elected by the Shareholders of each of the United Companies who shall remain in office until others shall be elected in their stead, shall be determined according to the agreement made by the said Companies under the Provincial Act first above cited and extended.

III. And be it enacted, That if no one of the Companies forming such Union as aforesaid, be *The Grand Trunk Railway Company of Canada*, or a Company formed by the union of the said Company with any other, then the Corporate name of the Company to be formed by such Union shall be such as shall be determined by the agreement made under the Provincial Act first above cited and extended, between the Companies forming such Union; and if no one of such Companies shall have Directors appointed by the Governor of this Province, then the number of Directors after such Union and those of them who shall remain in office until others are elected in their stead, shall be determined according to such agreement: but if there be Directors of any one of such Companies appointed by the Governor, then the number of Directors after such Union shall be eighteen, of whom twelve shall be elected by the Shareholders and six shall be appointed by the Governor, unless and until such Company shall renounce the benefit of the Provincial Guarantee, in which case all the Directors shall be elected by the Shareholders; and if there shall be at the time of such Union, more than six Directors of one or both of the Companies forming such Union who have been appointed by the Governor, then such of the said Directors as the Governor shall designate shall retire from office, so as to reduce the number of Government Directors to six; and the Directors elected by the Shareholders of each of the United Companies who shall remain in office until others shall be elected in their stead, shall be determined according to the agreement made by the said Companies under the Provincial Act first above cited and extended.

Provision as to corporate name. Directors, &c. if no one of the Companies united be the Grand Trunk Railway Company of Canada.

CAP. LXXVII.

An Act to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal.

[Assented to 17th March, 1853.]

Preamble.

16 V. c. 25
recited in part.

WHEREAS by an Act made and passed in the sixteenth year of the Reign of Her Majesty, intituled, *An Act for the relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said fire*, it is enacted, That it shall be lawful for the Corporation of the City of Montreal, if it should see fit, in the usual and ordinary manner in which it becomes a party to and executes Deeds and Contracts, to become a party to any Obligation, Deed, *Acte* or Instrument in writing, under which any loan or loans might be made to any person or persons having suffered by reason of the disastrous conflagration which lately destroyed a large amount of property in the said City, and as such party to become surety (*caution*) for any such loan or loans, and for the purpose of such suretyship to bind itself as surety (*caution*) only, for the payment of the same, in whole or in part, in the event of the lenders being unable to enforce payment thereof from the parties borrowing the same, after due diligence and discussion of personal and real estate of the said parties; And whereas the said Corporation of the City of Montreal having entered into an agreement with the Trust and Loan Company of Upper Canada, for the sum of One Hundred Thousand Pounds currency of this Province, to be applied in Loans to the Sufferers by the said Fire, and the said Corporation of the City of Montreal having undertaken to provide applicants for the amount of the said sum, it is expedient and necessary to remove certain doubts as to the nature and extent of the suretyship and guarantee authorized to be afforded by the said recited Act, and in other respects to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in the event of any borrower under the provisions of the said recited Act making default in the payment of any sum of money owing by him under any Obligation, Deed, *Acte*, or Instrument in writing, to which the said Corporation of the City of Montreal is, or hereinafter may become a party as surety (*caution*.) for the repayment of the loan thereby secured, and in the event of the said Trust and Loan Company of Upper Canada having taken the usual and ordinary legal means to obtain payment from the borrower, by instituting an action against the borrower in default, in the Superior Court for Lower Canada,

What proceedings the lender shall be bound to adopt, before calling on the Corporation of Montreal, if the borrower fails to pay.

Canada, within a period not exceeding in any case thirty days from the day appointed for the payment of such sum, and prosecuting such action, and in the event of the said Trust and Loan Company of Upper Canada not having obtained payment by such means from the borrower at the expiration of nine months from the date of such default, then and in that case the said Corporation of the City of Montreal shall thenceforth not be entitled to require the further discussion by the said Trust and Loan Company of Upper Canada of the personal or real estate of the borrower, and shall be bound as such surety (*caution*) forthwith to pay, on demand by the said Trust and Loan Company of Upper Canada, the amount owing from such borrower in default for principal, interest and premiums of insurance on his property, with the costs and other expenses incurred by reason of such default, notwithstanding any thing in the said recited Act to the contrary; and that on the payment thereof the said Corporation of the City of Montreal shall be substituted to all the rights, privileges and authority, *noms, raisons, droits et actions*, of the said Trust and Loan Company of Upper Canada, and shall be authorized in the name of the said Trust and Loan Company of Upper Canada to take up the *fait et cause* of the said Trust and Loan Company of Upper Canada, and to continue and prosecute to final judgment and execution all Writs and Proceedings theretofore sued out and instituted by the said Trust and Loan Company of Upper Canada, for the recovery of the money owing by the said borrower, and then pending before any Court of original Jurisdiction, or Court of Appeals, in this Province, or elsewhere.

Rights of the Corporation after paying the lender.

II. And be it enacted, That if the said Corporation of the City of Montreal should not be able to furnish a sufficient number of applicants, being sufferers by the said fire, for loans to absorb and take up the whole of the said sum of One Hundred Thousand Pounds, then and in that case it shall and may be lawful for the said Corporation of the City of Montreal to provide applicants for loans upon the balance of the said sum, who shall not have been sufferers by the said fire, but who have been and are sufferers by the conflagration which occurred in the said City of Montreal in the month of June, one thousand eight hundred and fifty-two; And in the event that the said Corporation of the City of Montreal should not be enabled to furnish a sufficient number of applicants, being sufferers by the said last mentioned fire of the month of June last, to absorb and take up the balance so remaining as hereinabove mentioned, then and in that case it shall and may be lawful for the said Corporation of the City of Montreal to take from the said Trust and Loan Company of Upper Canada, the remainder or residue of the said sum of One Hundred Thousand Pounds, and to apply the said remainder and residue in such way as the said Corporation of the City of Montreal may deem fitting; And for securing the repayment of such remainder or residue, it shall also be lawful for the said Corporation of the City of Montreal

Loans may, under certain circumstances be made to sufferers by the Fire of June, 1852;

Or for other purposes of the Corporation.

Debentures to be issued in the case last mentioned.

Proviso:
Provincial
Guarantee to
extend to all
cases under
this Act.

to issue its Bonds or Debentures, or to execute a Deed or Instrument which may be deemed necessary to afford to the said Trust and Loan Company of Upper Canada, the security contemplated by the Act hereinbefore recited; Provided always, that in the case of any loan to the sufferers by the fire of the said month of June, one thousand eight hundred and fifty-two, or in the case of the Corporation of the City of Montreal taking the remainder or residue of the said sum of One Hundred Thousand Pounds to be applied to such purposes as the said Corporation of the City of Montreal may deem fitting, the Guarantee of the Government of this Province shall apply to the same as fully and effectually as to the Loans effected under the provisions of the said recited Act.

C A P . L X X V I I I .

An Act to authorize the Company of Proprietors of
The Champlain and St. Lawrence Railroad, to consolidate their debt, and for other purposes.

[Assented to 17th March, 1853.]

Preamble.

14 & 15 V. c.
144.

WHEREAS the Company of Proprietors of the Champlain and St. Lawrence Rail-Road have, by their petition, represented that the power conferred on them by various Acts of the Legislature of the late Province of Lower Canada and of this Province, is inadequate to enable them, in a brief and simple form, to secure by way of mortgage the sums of money to be from time to time borrowed by them, and it is desirable, in consequence of the extensive and valuable improvements and works now being erected and made by the said Corporation at the several termini of the said Railroad, that the power to borrow the sum of Seventy-five Thousand Pounds, currency, which they are authorized to do by the fourth section of the Act passed by the Legislature of this Province, in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to empower the Company of Proprietors of the Champlain and St. Lawrence Railroad to make a Branch Road, and for other purposes*, should not be limited to the purposes in the said section set forth, but that power should be given to the said Company to borrow not only the said sum of Seventy-five Thousand Pounds, currency, but such further sum as shall with the said sum be equal in all to the sum of One Hundred and Seventy-five Thousand Pounds, sterling, for the purposes of consolidating their debt and completing their works: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government*

of

of Canada, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Corporation from time to time to borrow either in this Province, in Great Britain, or elsewhere, all such sum or sums of money not exceeding in all the sum of One Hundred and Seventy-five Thousand Pounds, sterling, including therein all other sums, which they were authorized to borrow by any Act passed prior to the passing of this Act, as they may find expedient, at a rate of interest not exceeding eight per cent., and to make the Bonds, Debentures, or other Securities they shall grant for the sums so to be borrowed, payable either in currency or in sterling, with interest, either in currency or in sterling, at such place or places within or without this Province, in Great Britain, or elsewhere, as they may deem advisable, and such Bonds, Debentures, or other Securities, may be made payable to bearer or transferable by simple endorsement, or otherwise; and the said Company may in such Bonds, Debentures, or other securities, hypothecate, mortgage, or pledge, the lands, revenues and other property of the said Corporation for the due payment of the said sums and interest thereon.

Company
may borrow
£ 175,000
and issue
Debentures.

May pledge
their lands,
&c.

II. Whereas the said Company have heretofore under the authority of an Act passed prior to the Act mentioned in the preamble to this Act, borrowed money by the Issue of Bonds bearing various rates of interest, and payable at various times to the extent of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, which do not bear mortgage, and it is just that the holders of such Bonds should if they see fit, have the power to exercise the rights hereinafter mentioned: Be it enacted, That out of the sum of One Hundred and Seventy-five Thousand Pounds sterling, by this Act authorized to be borrowed, the said Company shall appropriate and apply the sum of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, or so much thereof as shall be necessary, specially to the payment of the said Bonds issued under the authority of the said prior Act, and to no other purpose whatever; and such purpose being accomplished as hereinafter provided, or having lapsed, and become effete, the power to borrow any part of the said sum of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, which may not have been so applied, shall cease and become extinct, and the Bonds proposed to be issued for that purpose shall be cancelled and be not again issued.

Recital.

A certain portion
of the
new loan to
be applied to
pay off out-
standing De-
bentures.

III. And to carry out the provisions of the last foregoing Section—Be it enacted, That to entitle the holders of any of the said Bonds in the preceding Section mentioned, to the benefit thereof, they shall respectively be bound within thirty days after notice to that effect, in the *Canada Gazette*, to signify in writing at the Office of the said Company in the City of Montreal, their intention either *firstly* to take in exchange therefor another Bond or Bonds of like amount, having equal privilege and mortgage, with Bonds by this Act

Proceedings to
be adopted by
holders of out-
standing De-
bentures in
order to en-
title them to
the advanta-
ges of this
Act; and
what those
advantages
shall be.

authorized

authorized to be issued, redeemable twenty years after the date thereof, at the Office of the Company, in the City of Montreal, with interest at the rate of six per centum per annum, payable half yearly ; or *secondly*, to receive out of the first moneys to be borrowed under this Act, the amount in cash of such Bond or Bonds, with interest to the day of payment ; and in the latter case, the holders of any Bond notwithstanding that the same by the terms thereof may not have matured and become payable, shall be entitled to proceed for the recovery thereof against the said Company as if the said Bonds had really matured, and the same shall become immediately payable, and recoverable unless the said Company shew that they have not borrowed under this Act a sufficient sum of money, to repay all the Bonds that may be so demanded, and that they have applied none of the moneys so borrowed to any other purpose than the redemption of such Bonds. And to provide the necessary funds for the redemption of so many of the said Bonds already issued as may require to be paid, it shall be lawful for the said Company to issue and dispose of a corresponding amount to that required to be paid of the Bonds by this Act authorized to be issued, and specially set apart for the purposes contemplated in this Section ; and no new or other Bond in lieu of that surrendered shall be issued, save as by this Act, and for the purposes hereby contemplated is authorized ; nor shall the proceeds of the Bonds set apart to liquidate those already issued be applied to any other purpose whatever, than the redemption thereof, it being the true intent and meaning of this Act to limit the entire indebtedness of the said Company to the sum of One Hundred and Seventy-five Thousand Pounds sterling ; And it is hereby further enacted and declared, That each holder of a Bond already issued by the said Company as aforesaid who shall so signify in writing as aforesaid, his intention either to take in exchange therefor another Bond as aforesaid or to receive the amount thereof in cash as aforesaid, shall be bound by such signification ; and that from and after the publication in the *Canada Gazette*, subsequent to the expiration of the thirty days above mentioned, of a notice by the said Company to the effect that it is prepared to redeem the Bonds for which money has been demanded and to issue new Bonds in exchange for those for which new Bonds have been demanded, the interest stipulated in such Bonds shall continue to accrue in respect thereof during sixty days only, or such shorter time as may elapse before the redemption or exchange thereof respectively as aforesaid, after which it shall wholly cease.

Provision for raising the funds requisite for carrying out this Section.

Notice to be given by the company to be binding on the holders of outstanding Debentures.

Debentures bearing mortgage to rank equally together.

IV. And be it enacted, That all Debentures bearing mortgage, by this Act authorized to be issued, shall notwithstanding the issue and registration thereof at different periods, all rank concurrently and by equal privilege on the Real Estate of the said Company, as much to all intents and purposes whatsoever, as if all such Bonds and Mortgages were issued and registered at the same time, the registration thereof being only requisite

requisite in so far as the rights of the holders thereof against third parties are concerned, it being the true intent and meaning of this Act, that each and every holder of a Bond to be issued under its authority, shall rank and have equal precedence the one with the other on the Real Estate of the said Company, irrespective of the time when any such Bond or Bonds may have been issued or registered.

V. And to enable the said Company to carry into effect the provisions of this Act, it shall be competent for the Directors thereof, to pass such resolutions, not inconsistent with this Act, either with respect to depositing Debentures for the purpose of being disposed of to redeem the other Debentures in this Act mentioned already issued, or of being exchanged therefor, and with regard to cancelling the whole or any part thereof, and in order to render the notices to be given by any parties conclusive on them and in respect of the Bonds for which such notice may be given, and touching all other matters and things whereby the true intent and meaning of this Act may be the better carried into effect.

Directors to pass resolutions for carrying out the provisions of this Act.

VI. And in Amendment to so much of the twenty-third section of the Act passed in the session of the Legislature of that part of this Province called Lower Canada, held in the second year of the Reign of His late Majesty King William the Fourth, intituled, *An Act for making a Railroad from Lake Champlain to the River St. Lawrence*, as fixes a scale of voting and limits the number of votes which any Shareholder may give, and provides that no person shall act as proxy at any meeting for any absent proprietor for more than one hundred and fifty shares—Be it enacted, That hereafter each and every share of stock in the said Company whereon all calls made and payable shall have been paid, shall be entitled to a vote, no matter how few or many shares any proprietor may hold, and each and every share may be represented by any proxy, no matter how many shares any one proxy may represent, as much as if the owner of such share or shares were personally present, and so much of the said section hereby amended as is inconsistent with the present enactment is hereby repealed.

Recital.

Act of L. C. 2 V. 4, c. 58.

Scale of votes and shares amended. Proxies allowed to any extent.

VII. And be it enacted, That in the borrowing of moneys, by way of loan, and in creating mortgages or hypothèques for securing the same, the Debentures of the said Company shall and may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form, similar thereto, and need not be before notaries, and the registration at full length of a Debenture, (without the interest *coupons* thereto attached) in the said form in the Registry Office for the County in which the land or real estate thereby specially mortgaged and hypothecated shall lie, shall perfect the mortgage and hypothèque created by such Debenture as regards all parties whomsoever, and the Debenture and Mortgage and Hypothèque thereby

Form of Debentures, and Registration thereof.

created shall be to all intents and purposes binding upon the said Company in favor of the holder of the Debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description; but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding: Provided always, that no Debenture of the said Company shall be for a less sum than One Hundred Pounds currency.

Directors may give Bond Holders the option of exchanging them for Stock.

VIII. And be it enacted, That it shall be competent for the Directors of the said Corporation, previous to the issuing of the said Bonds and Debentures, by this Act authorized to be issued, to resolve that the holders of the same, or any of them, shall have the option and privilege, within seven years from the issuing thereof, to exchange the same or any of them for an equal amount of stock in the said Corporation, and thereupon, on the surrender of any Bond or Bonds, the owner thereof shall be entitled to claim and receive at the par value thereof of Fifty Pounds, currency, each, so many shares in the Capital stock of the said Corporation, as may be equivalent to the amount of Bonds or Debentures so surrendered, but the said Company shall not be bound to give any fractional part of a share, nor shall the party surrendering the Bonds be entitled to any of the profits of the Company, except from the yearly balancing day next following the day of surrender, but he shall be entitled to interest on the surrendered Bonds, up to the time when such right to share in the profits shall begin.

Recital.

Directors may increase the Capital of the company by £225,000.

IX. And whereas it is necessary to the carrying out of the provisions in the last preceding section contained, that the Directors should be empowered to increase the Capital Stock of the said Company; and it is also expedient, irrespective of such necessity or purpose, to confer on them absolutely the like power of increasing the said Capital Stock, if they should deem it advisable for the interests of the said Company so to do—Be it enacted, That it shall be lawful for the Directors of the said Company, at any time after the passing of this Act, by a resolution to that effect, to increase the Capital Stock of the said Company by the sum of Two Hundred and Twenty-five Thousand Pounds, currency, to be divided into Four Thousand Five Hundred Shares of Fifty Pounds each, or by such less sum in shares of the like amount as they may judge expedient. Provided always, that no such resolution shall have force or effect until after its adoption at a special meeting of the Shareholders specially convened for that purpose.

Proviso.

Entry of the cancelling of

X. And be it enacted, That if after the registration in a County Registry Office of a Debenture of the said Company creating

creating a mortgage or hypothèque, such Debenture shall be presented at the Registry Office wherein it was registered, with the word "*cancelled*," and the signature of the President, or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the usual fee on that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the Registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office: Provided always, that if any such cancelled Debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which any part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or his Deputy having first endorsed thereon his Certificate of the entry by him made of the cancellation thereof.

Debentures by the proper Registrar.

Proviso.

XI. And to facilitate the registration of the Debentures of the said Company creating mortgages or hypothèques and the cancellation thereof—Be it enacted, That the said Company may, if they see fit, at their own expense, deposit in any Registry Office, wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the *coupons* thereto, bound together in a book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar or his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office; any ordinance or law to the contrary notwithstanding.

Provision for facilitating the Registration of Debentures.

XII. And be it enacted, That the said Company shall have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed and any Bill of Exchange drawn, accepted or endorsed by the President of the Company with the counter-signature of the Secretary of the Company or any two of the Directors for the Company, and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter-signature of the Secretary shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case is it or shall it be necessary to have the Seal of the Company

Company may become parties to Promissory Notes, &c., and in what manner.

Proviso.

Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing or assisting to make, draw or indorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, That nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Company may hold stock in other Companies incorporated for certain purposes.

XIII. And be it enacted, That for and notwithstanding any thing in any Act or Law to the contrary, it shall be lawful for the said Company in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened for that purpose, to subscribe for, purchase and hold shares in the stock of any other Railroad or Steamboat Company, either in this Province or in the United States, or in any Company for building a Bridge across the River Saint Lawrence, or other River or Lake, and to pay for the same, and to pay all Calls or Instalments on the same, out of any money belonging to the said Company.

Company may remove trees standing near their Road.

XIV. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Railroad, or any part of the same, may pass, and to fell or remove any trees standing in any woods, lands or forests to the distance of six rods from either side of the said Railroad, doing as little damage as may be, and making satisfaction to the owner or proprietor of, or person interested in such land for all that he may suffer by reason of such entry, or felling, or removal as aforesaid, in the manner provided by the Act cited in the Preamble to this Act.

Company may unite their Railroad with that of any other Company.

XV. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railroad with any other Railroad or Railway, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators to be appointed by a Judge of the Superior Court in Lower Canada.

Company may agree with other Companies as

XVI. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign state for leasing

leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railroad or of the moveable property of the said Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Railroad Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Railroad between this Province and a foreign state, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

to certain services to be performed by the one Company for the other.

XVII. And be it enacted, That the tolls shall be those from time to time fixed by the By-laws of the Company, approved or revised in the manner provided by the Act cited in the Preamble to this Act, in reference to the said tolls, and shall and may be demanded and received for all passengers and goods transported upon the Railroad or in the steam vessels to the Company belonging, and shall be paid to such persons and at such places near to the Railroad, in such manner and under such regulations as the said By-laws shall direct: and in case of denial or neglect of payment of any such tolls or any part thereof on demand, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof: and in the mean time the said goods shall be at the risk of the owner thereof, and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus, if any, of the money realised from such sale or such of the goods as may remain unsold, to the person entitled thereto; and

Tolls, and the mode of enforcing payment thereof.

and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto; and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto: and all or any of the said tolls may by any By-law be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval as aforesaid; and further, in all cases whenever any package or packages may contain goods or articles of a perishable nature and the owner thereof cannot be found or shall refuse or neglect forthwith to pay the tolls and charges thereon, it shall be lawful for the Company to cause the said goods and articles to be sold by public auction, within a reasonable time at the discretion of the Company, to secure the payment of the said tolls and charges and to prevent the total loss of the said goods and articles; the proceeds of such sale shall be kept and paid in the manner herein provided for goods remaining unclaimed.

Punishment
of persons
wilfully
displacing
switches, &c.

XVIII. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of the Railroad of the said Company, or shall break down, rip up, injure or destroy any Railroad track, or Railroad bridge of the said Company, or any portion thereof, or place any obstruction whatsoever on any such rail or Railroad track or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, every such person so offending, shall be guilty of felony, and shall be punished by imprisonment with hard labour in the Common Gaol of the District in which such offence shall be committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad, shall actually suffer any bodily harm, or any property passing over and along such Railroad shall be injured, such suffering or injury shall be an aggravation of the offence, and shall subject the said offender to such further punishment by imprisonment with hard labour not exceeding two years in the whole imprisonment, as the circumstances of the case may demand.

Punishment
of persons
wilfully in-
juring the
Railroad.

XIX. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch, or rail of the Railroad of the said Company, or shall break down, rip up, injure or destroy any Railroad track, or Railroad bridge or fence of the said Company, or any portion thereof, or place any obstruction whatever on any such rail or Railroad,
track

track or bridge, or shall do or cause to be done any act whatever whereby any engine, machine or structure or any matter or thing appertaining thereto shall be stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along the said Railroad, and if in consequence thereof any person is killed, or his life is lost, such person so offending shall be deemed guilty of manslaughter, and shall be liable to be indicted and tried for the crime of manslaughter and punished therefor accordingly.

And if life be lost.

XX. And be it enacted, That if any person shall wilfully and maliciously do or cause do be done any act whatever whereby any building, fence, construction or work of the said Company, or any engine, machine, or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, such person so offending shall be guilty of a misdemeanor, and punished by imprisonment with hard labour, not exceeding one year, in the common gaol of the District in which such offence shall have been committed, or tried.

Punishment of persons injuring buildings, &c. of the Company.

XXI. And be it enacted, That all provisions of law inconsistent with this Act, are and shall be repealed from the passing thereof.

Inconsistent enactments repealed.

XXII. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

Public Act.

SCHEDULE A

(Referred to in this Act.)

CHAMPLAIN AND SAINT LAWRENCE RAILROAD COMPANY,
FIRST MORTGAGE LOAN.

Number £ Sterling (or Currency.)

This Debenture witnesseth that the Company of Proprietors of the Champlain and Saint Lawrence Railroad, under the authority of the Provincial Statute passed in the Sixteenth year of Her Majesty's Reign, intituled, *An Act to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad, to consolidate their debt, and for other purposes*, and the several Acts incorporating and having reference to the said Company, have received from
of the sum of
currency, (or sterling) as a Loan, to bear interest from the date hereof, at the rate of per centum per annum,
payable half yearly, on the day of
and on the day of
which sum of
currency (or sterling) the said Company
bind and oblige themselves to pay on the

to

to the said _____ or to the bearer thereof ;
and to pay the interest thereon half yearly as aforesaid on
the production of the *coupon* therefor, which now forms part of
this Debenture.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute and Acts, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: *The whole of the Railroad from Saint Lambert to Laprairie, Saint John's and Rouse's Point, including all the Lands at the four Termini of the said Road, and all the Lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging ;* and it is further witnessed that the holder of this Debenture shall be entitled, on the surrender thereof to the Company, within _____ years from this date, but not afterwards, to receive an equivalent amount of shares in the said Company, at the par value thereof, in accordance with the terms of the Act under which this Debenture is issued.

In testimony whereof _____ President
of the said Company, hath hereto set and affixed his signature,
and the Common Seal of the said Company, at the City of
Montreal, this _____ day of _____ one thousand
eight hundred and _____

Counter-signed and entered.

President.

Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of _____ in the District
of _____ on the _____ day of _____
one thousand eight hundred and _____ at _____
of the clock in the _____ noon, in Register _____ page _____
_____ Registrar.

C A P . L X X I X .

An Act to incorporate the Society for the erection of an
Hotel in the City of Quebec.

[Assented to 17th March, 1853.]

Preamble.

WHEREAS Joseph Cauchon, M. P. P., Simon Peters, Louis Bilodeau, Edward Burroughs, J. B. Forsyth, William Sewell, George Irvine, A. D. Bell, Archibald Campbell, and John Ross, of the City of Quebec, Esquires, and others, have, by their petition, represented that they are desirous of forming a Society for the erection of an Hotel in the City of Quebec, for the convenience of Travellers, and in order to carry the said object into execution, they have prayed for an Act of Incorporation : Be it therefore enacted by the Queen's
Most

Most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That the above mentioned Joseph Cauchon, M. P. P., Simon Peters, Louis Bilodeau, Edward Burroughs, J. B. Forsyth, William Sewell, George Irvine, A. D. Bell, Archibald Campbell, and John Ross, of the City of Quebec, Esquires, and others, and all such persons as shall hereafter form part of the said Society, their heirs, executors, curators, administrators and assigns, shall be and they are hereby declared to be a body politic and corporate by the name of *The City of Quebec Hotel Society*, and by the same name, they and their successors shall have perpetual succession, with power to sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever; and they may have a Common Seal with power to change and alter the same, at pleasure, and by the same name they may lawfully acquire and hold real and personal estate for the use of the said Corporation, and sell, alienate or lease the same as they may deem convenient and useful; but the value of the said real and personal estate, shall not at any time exceed the sum of Forty Thousand Pounds current money of this Province.

Company in-
corporated.

Corporate
name and ge-
neral powers.

II. And be it enacted, That the capital of the said Society shall be Forty Thousand Pounds current money aforesaid, divided into three thousand two hundred shares of Twelve Pounds Ten Shillings currency each. The said shares shall be considered personal estate, and be transferable as such: And the said three thousand two hundred shares shall be and are hereby vested in the Shareholders, and their respective heirs, executors, curators, administrators, successors and assigns, to their proper use and behoof, proportionately to the sums subscribed and paid by each of the said Shareholders respectively. And the said Shareholders may sell, transfer, lease, give or alienate the shares held by them whenever and so often as they shall think fit. Subject to the By-laws of the Society to be passed by the Board of Management to be appointed as hereinafter provided.

Capital stock.

Shares.

Shares to be
personal
estate, &c.

Transfer

III. And be it enacted, That any Shareholder who shall have subscribed and paid the sum of Twelve Pounds Ten Shillings or more, shall be a Member of the said Society, and, as such, shall be entitled to have and receive, after the erection of the said building and its dependencies, all the net profits and advantages accruing from any sum of money levied, recovered or received, under the authority of this Act, proportionably to the number of shares held by him.

Rights of
Shareholders
in profits.

Quebec and
Richmond
Railroad Com-
pany may
hold stock.

IV. And be it enacted, That the *Quebec and Richmond Railway Company* may take shares in the said Capital Stock to the amount of Ten Thousand Pounds currency, and that the Grand Trunk Railroad Company of Canada East and the Saint Lawrence and Atlantic Railroad Company may also take shares in the said Stock to an amount not exceeding Ten Thousand Pounds currency each.

Each share-
holder to pay
his proportion
of the expense.

V. And be it enacted, That every Shareholder shall, in proportion to the number of shares held by him, pay, in the manner by this Act prescribed, his just portion of the sum necessary to carry into execution the said undertaking proportionably to the number of shares held by him.

Payment of
instalments.

VI. And be it enacted, That payment of the amount of the instalments shall be made, at the periods, and in the manner fixed and determined by the Board of Management hereinafter mentioned ; but no instalment shall at any time exceed twenty per cent. of the amount subscribed, or Fifty Shillings currency per share, and an interval of at least three months shall be allowed between each instalment called in under this Act.

Instalments
limited.

Stock forfeited
for non-pay-
ment of calls.

VII. And be it enacted, That any Shareholder neglecting to pay any of the instalments called in by the Board of Management, shall be called upon so to do by a written notice under the hand of the Treasurer ; and such notice shall be left at the domicile elected by the Shareholder at the time of subscribing. If the Shareholder shall not have paid in the instalment called in within one month after such notice, he shall forfeit his right in the shares held by him, without its being necessary to obtain a judgment for that purpose in a Court of Justice, and the said shares shall be sold for the benefit of the Society in such manner as shall be determined by the Board of Management ; and if the Shareholder so in arrear shall have already paid, at the time of such notice, one or several instalments, he shall nevertheless forfeit his right in the said shares, and the amounts paid in shall belong to the Society as an indemnification, without prejudice to any right of action which the Society may have against such Shareholder for the balance due by him on his shares.

Liability of
Shareholders
limited.

VIII. And be it enacted, That no Shareholder shall be liable for the payment of any debt or obligation due by the said Society, beyond the amount of the unpaid shares held by him in the said Society.

Books of sub-
scription to be
opened.

IX. And be it enacted, That immediately after the passing of this Act, any three of the persons above named may open one or more Books of subscription for the purposes aforesaid ; and so soon as one hundred shares shall have been subscribed in the said Books, the said persons shall call a meeting of the Shareholders, at the City of Quebec, by public notice inserted
twice

Notice.

twice in a newspaper published in the English language, and in a newspaper published in the French language, in the said City, for the purpose of electing the Board of Management of the said Society, and Auditors as hereinafter mentioned; and such notice shall state the day, place and hour of the said meeting, and shall be given at least eight days before the day fixed for the holding of such meeting.

X. And be it enacted, That at the first meeting of the Shareholders called as provided in the foregoing section, a majority of the Shareholders shall choose by ballot among the Shareholders holding at least six shares each, seven persons to form the Board of Management of the said Society, and two persons to be Auditors, for the year next after the day on which the said election shall have taken place.

Board of Management.

XI. And be it enacted, That the annual meeting for the election of the Board of Management of the Society and of Auditors shall be called in the manner prescribed by the ninth section, and shall take place on the same day as the preceding election; and if such day shall happen to be a Sunday or a Statutory Holiday, the election shall in such case be held on the next day thereafter not being a Sunday or a Statutory Holiday.

Annual Meetings how called, and when to be held.

XII. And be it enacted, That at all general meetings of the Shareholders to be held under this Act, all questions submitted to the consideration of the meeting, shall be decided by the majority of votes of the Shareholders, who shall be entitled to vote as follows: every Shareholder holding five shares, or less, shall have one vote for each share held by him; every Shareholder holding not less than six, nor more than eight shares, shall have six votes; every Shareholder holding not less than nine, nor more than twelve shares, shall have eight votes; every Shareholder holding not less than thirteen nor more than nineteen shares, shall have ten votes; every Shareholder holding twenty shares or more, shall have twelve votes; and any Shareholder may vote in person or by a proxy, being also a Shareholder, to be appointed by him for that purpose by a written instrument under his signature.

Proportion of votes to shares held.

Proxies allowed.

XIII. And be it enacted, That all General Meetings (except the first meeting called under this Act, which shall be presided over by the person elected for that occasion) by the Shareholders then present in person or by proxy, shall be presided over by the Chairman of the Board of Management, or in his absence, by such Shareholder as shall be chosen for that purpose by the meeting.

Chairman of Board to preside at General Meetings.

XIV. And be it enacted, That the powers and duties of the Board of Management shall be:

Power and duties of Board of Management.

1stly.

Chairman.

1stly. To choose from among the Members of the Board, a Chairman, who, in addition to his vote as a Member of the Board, shall have a casting vote in case of an equal division of votes at the Meetings of the Board.

Appointing
Officers, &c.

2ndly. To appoint and employ and remove at pleasure such Officer or Officers, Agent or Agents, Servant or Servants of the said Society as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries of the Officers, Agents and Servants of the said Society, and all the necessary expenditure for the management and working of the Society.

Transfers, &c.

3rdly. To regulate the form of certificates of shares and the mode of their transfer.

Site of build-
ings, plans,
&c.

4thly. To choose and acquire for and in the name of the said Society a convenient site for the construction of an Hotel and its dependencies, to cause the necessary plans and surveys to be made, and enter into the necessary agreements for the construction of the said Building and its dependencies.

Payments.

5thly. To order the payment of any sum of money as they may deem necessary for the purposes of this Act.

Raising loans.

6thly. To contract a loan or loans for and in the name of the said Society not exceeding in the whole at any one time the sum of Twenty-five Thousand Pounds currency, at a rate of interest not exceeding six per cent. per annum, and pledge the moveable and immoveable property of the said Society for the payment of the said loans and interest.

Instalments.

7thly. To determine the amount of the several instalments and the periods at which each Shareholder shall be obliged to pay in his instalments, and the amount of the dividends of the profits among all the Shareholders after deducting therefrom the costs and expenses incurred for the purposes of this Act.

By-laws.

8thly. To make the necessary By-laws for the government and management of the said Society, provided such By-laws be not contrary to this Act, nor to the laws of this Province.

Statement of
affairs.

9thly. To submit to the Annual General Meeting of the Shareholders a clear and detailed statement of the affairs of the said Society, certified by the Auditors as having been examined and found correct.

Calling Meet-
ings.

10thly. To call Special and General Meetings of the Shareholders whenever it shall be necessary, and so often as they shall be required by at least three Shareholders, giving at least fifteen days' notice thereof in Newspapers published at the said City of Quebec, in the English and French languages respectively.

XV. And be it enacted, That the number of Members of the said Board which shall be sufficient for the legal exercise of the powers and duties above mentioned, shall be four, and that in the absence of the Chairman it shall be in the power of the Members present to elect from among themselves a Chairman for the time being, who, in addition to his vote as a Member of the Board, shall have a casting vote in case of an equal division of votes at the Meeting of the Board at which he shall be chosen to preside.

Quorum of Board.

XVI. And be it enacted, That in the event of the death or resignation, or of the absence for a period of more than six months from the City of Quebec, or of the disqualification of any Member of the Board of Management, the Shareholders shall, at a Meeting held after due notice given in the manner provided by the ninth section, choose a Shareholder in the place of the Member who shall have deceased, resigned, absented himself or become disqualified: and such Shareholder shall form part of the said Board until the then next annual election.

Vacancies how occasioned and filled.

XVII. And be it enacted, That the Members of the Board of Management going out of office, may be re-elected.

Members may be re-elected.

XVIII. And be it enacted, That the said Society shall, whenever required so to do by any one of the three Branches of the Legislature, furnish a detailed statement shewing the real and personal estate held by them, the amount of their debts, and the amount of the last dividend; and they shall also furnish a list of the Shareholders, and the names of the Members of the Board of Management of the said Society.

Statements to be furnished annually to Parliament.

XIX. And be it enacted, That the Interpretation Act shall apply to this Act, which shall be a Public Act.

Public Act.

C A P . L X X X .

An Act to modify the Usury Laws.

[Assented to 24th March, 1853.]

WHEREAS it is expedient to abolish all prohibitions and penalties on the lending of money at any rate of interest whatsoever, and to enforce to a certain extent, and no further, all contracts to pay interest on money lent, and to amend and simplify the laws relating to the loan of money at interest: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That

Preamble.

That

Sect. 5 of Ordinance of Quebec, 17 Geo. III., c. 3, and s. 6 Act of Upper Canada 51 Geo. III., c. 9. repealed.

That the fifth section of the Ordinance made and passed by the Governor and Legislative Council of the Province of Quebec, in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, *An Ordinance for ascertaining damages on protested Bills of Exchange, and fixing the rate of interest in the Province of Quebec*; and the sixth section of the Act of the Parliament of the Province of Upper Canada, passed in the fifty-first year of His said late Majesty's Reign, intituled, *An Act to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of His Majesty's Reign, intituled, 'An Ordinance for ascertaining damages on protested Bills of Exchange, and fixing the rate of interest in the Province of Quebec;' also to ascertain damages on protested Bills of Exchange, and fixing the rate of interest in this Province*, be, and the same are hereby repealed.

Penalties for usury abolished.

II. And be it enacted, That no contract to be hereafter made in any part of this Province, for the loan or forbearance of money or money's worth, at any rate of interest whatsoever, and no payment in pursuance of such contract, shall make any party to such contract or payment liable to any loss, forfeiture, penalty or proceeding, civil or criminal, for usury; any Law or Statute to the contrary notwithstanding.

Contracts and securities to be void as regards excess of interest above six per cent.

III. Provided always nevertheless, and be it enacted, That every such contract and every security for the same shall be void so far, and so far only, as relates to any excess of interest thereby made payable above the rate of Six Pounds for the forbearance of One Hundred Pounds for a year, and the said rate of six per cent interest, or such lower rate of interest as may have been agreed upon, shall be allowed and recovered in all cases where it is the agreement of the parties that interest shall be paid.

Act not to apply to Banks, &c.

IV. And be it enacted, That nothing in this Act shall be construed to apply to any Bank or Banking Institution or to any Insurance Company, or to any Corporation or Association of persons heretofore authorized by law to lend or borrow money at a rate of interest higher than six per centum per annum.

C A P . L X X X I .

An Act making certain provisions relative to the Counties of Perth, Brant and Waterloo.

[Assented to 24th March, 1853.]

Preamble.

WHEREAS the Counties of Perth, Brant and Waterloo in Upper Canada, in the month of January, one thousand eight hundred and fifty-three, were in due form of law disunited from the several unions of Counties with which they had been respectively connected, and it is necessary to make provision for the organising of Division Courts and the selection of Jurors and

and confirming certain Municipal proceedings in the said Counties respectively: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the County Court Judges of the said Counties of Perth, Brant and Waterloo respectively, together with one or more Justices of the Peace for each of the said Counties after the passing of this Act, shall hold in their respective Counties a Special Sessions of the Peace, and at such Sessions shall declare and appoint the numbers and limits of divisions for the holding of Division Courts within such Counties respectively; Provided always that the Justices of the Peace so assembled may do, and perform all such other things as may now by law be done and transacted at a General Quarter Sessions of the Peace in any County in Upper Canada; And provided secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said several united Counties, whose limits were within the Counties of Perth, Brant and Waterloo, shall be and be deemed to be from the periods of such disunions Division Courts, known by the numbers then affixed to such divisions of, for and in the said Counties of Perth, Brant and Waterloo respectively, and that all matters and things done since the periods of such disunions by or under the authority or supposed authority of such Division Courts, and until the declaration and appointment of new divisions as aforesaid, shall be deemed and be taken to be as valid and effectual to all intents and purposes as if such divisions for Division Courts respectively had been set apart by the Justices of the several Counties of Perth, Brant and Waterloo in due course of law; and all actions commenced in the said Division Courts before or since the disunion of the said several Counties shall and may be continued to final judgment and execution and the proceedings had thereon shall be, remain and continue proceedings of the said Division Courts of such disunited Counties respectively.

County Judges and Justices of the Peace to fix numbers and limits of Division Courts.

Proviso.

Proviso: provision made until such numbers and limits shall be so fixed.

As to pending suits, &c.

II. And be it enacted, That whenever the Justices in Special Sessions aforesaid shall declare and appoint the numbers and limits of the said Division Courts in the said Counties of Perth, Brant and Waterloo respectively, all proceedings and judgments had and taken in such Division Courts before the day when such declaration and appointment shall take effect, shall nevertheless be continued and prosecuted, and shall be considered proceedings of and in such of the Division Courts of the said Counties respectively, as the Judge of such County shall order and direct; and the further prosecution of such proceedings and judgments shall be as valid and effectual as if the

As to suits, &c., pending when such new numbers and limits shall take effect.

the same had originated in the Courts to which they shall be so transferred, and the said Judge may order and direct the Clerks, Bailiffs and other Officers of the several Division Courts respectively to transfer to the proper Officers all the books, papers and documents of such Division Courts respectively.

As to Jurors
for the year
1853.

Proviso:
Juries *de me-*
dietate.

Proviso: as to
selecting
Jurors for
1854.

III. And be it enacted, That the Sheriffs and other Officers within the said Counties of Perth, Brant and Waterloo, whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-three, select and return from among the resident inhabitants of such Counties respectively, the requisite number of persons to serve as jurors within such Counties respectively without reference to the mode prescribed for selecting, balloting or returning Jurors by the Upper Canada Jurors' Acts; Provided that juries *de medietate lingue*, and juries of a like nature, may be ordered by the Court before which any cause may be pending: Provided also, that the Courts, selectors of Jurors, Officers and other persons upon whom the law devolves such duties within the said Counties respectively, shall in due course take the necessary steps for selecting Jurors and balloting Jury Lists from which the panels of Jurors for the said Counties respectively, for the year one thousand eight hundred and fifty-four, under the provisions of the Upper Canada Jurors' Acts, are to be taken.

As to Jurors
for the unions
of 'Huron
and Bruce,'
'Wentworth
and Halton,'
and 'Wellington
and Grey.'

IV. And be it enacted, That the Jurors balloted for at the Courts of General Quarter Sessions of the Peace held in and for the several united Counties of "Huron, Perth and Bruce," "Wentworth, Halton and Brant," "Waterloo, Wellington and Grey" in the month of November one thousand eight hundred and fifty-two, and entered on the Jury Lists accordingly, shall be liable to be summoned and empannelled and to serve on Juries within the now united Counties of "Huron and Perth," "Wentworth and Halton," "Wellington and Grey" respectively, to all intents and purposes as if the said Counties of Perth, Brant and Waterloo had continued united with the said united Counties respectively, and the Sheriffs of the said Counties may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said Counties of Perth, Brant and Waterloo respectively.

As to appoint-
ments and
elections of
Municipal
Officers, taxes
&c., in Brant
and Waterloo.

V. And be it enacted, That the appointments and elections of Municipal and other Officers in and for the said Counties of Brant and Waterloo respectively, and the assessments and taxes imposed of whatever kind soever they may be within the said two Counties for the year one thousand eight hundred and fifty-three, shall be taken to be valid and effectual to all intents and purposes; and that such taxes and assessments may be collected, levied and enforced in the same manner as the like taxes and assessments are collected, levied and enforced, in other Municipalities, and when received and paid shall belong to and be held and disposed of for the benefit of the said Counties

Counties of Brant and Waterloo respectively; Provided that such appointments, and the imposition of such taxes and assessments would have otherwise been legal but for the disuniting of the said two Counties as herein mentioned. Proviso.

CAP: LXXXII.

An Act to vest in the *Little Lake Cemetery Company* certain allowances for Road in the Park Lots of the Town of Peterborough.

[Assented to 24th March, 1853.]

WHEREAS certain persons in conformity with the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Companies for the establishment and management of Cemeteries in Upper Canada*, have formed themselves into a Cemetery Company, and have acquired a certain block of land in the Park Lots of the Town of Peterborough for the purposes of such Company; And whereas in the survey of the said Park Lots there is an allowance for road dividing the said block into two parts, which allowance for road is of no use to the public; And whereas in the original survey of the Township one chain from the water's edge was reserved, which reservation surrounds great part of the said block, and is of no use to the public as a road: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the allowance for road between Park Lots five and six, in the sixteenth Lot, in the twelfth Concession of the Township of Monaghan, shall be and the same is hereby vested in the said *Little Lake Cemetery Company*.

Preamble.

13 & 14 V. c. 76.

A certain allowance for Road vested in the Company.

II. And be it enacted, That the said *Little Lake Cemetery Company* shall be authorized to use, occupy and enclose so much of the reservation along the water's edge as adjoins and abuts upon the second, third, fourth, fifth, sixth, seventh and eighth Park Lots, in the sixteenth Lot, in the twelfth concession of the Township of Monaghan, and upon the allowance for road mentioned in the preceding section: Provided always, that nothing herein contained shall prevent any person navigating the Little Lake and Otonabee River, from having free access to the land for the purpose of mooring or securing any vessel, raft or boom thereto, or for the purpose of erecting any pier or other temporary or permanent work necessary for improving

Company may use part of a certain reservation.

Proviso.

improving the navigation of the said waters, or the preservation of property thereon : Provided also, that the said Company shall not lay out any allotments for graves upon the said reservation along the water's edge, nor otherwise obstruct it excepting by gates at the two extremities thereof, and that the said Company shall allow free ingress and egress through the said gates, and free access to the water's edge at all hours to all persons requiring it : And provided also, that it shall be lawful for the Governor of this Province, by an Order in Council, at any time to resume the said Reservation.

Proviso. III. And be it enacted, That the said *Little Lake Cemetery Company* shall not be required to maintain a fence along such portion of the said Cemetery Block as is bounded by the Little Lake and Otonabee River ; anything in the Act hereinbefore recited to the contrary notwithstanding.

Company not bound to make a fence in certain places.

C A P . L X X X I I I .

An Act to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall hereafter compose and constitute the same.

[Assented to 24th March, 1853.]

Preamble.

WHEREAS Monseigneur Ignace Bourget, Roman Catholic Bishop of Montreal, the Reverend Edouard Crevier, the Reverend Joseph Raymond and the Reverend Prosper Lévesque, the present Members of the Corporation of the Seminary of St. Hyacinthe d'Yamaska, created by the Act of the Parliament of Lower-Canada, hereinafter mentioned, have, by their petition, represented that in consequence of the erection of a Bishopric at St. Hyacinthe, it has become necessary to modify the said Act in so far as regards the persons who are to compose the Corporation, and it is right to grant the prayer of their petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the first section of the Act of the Parliament of Lower Canada incorporating the Seminary of St. Hyacinthe d'Yamaska, passed in the third year of the Reign of His Majesty King William the Fourth, chapter thirty-six, as determines the number of persons who shall form and compose the said Corporation, shall be and is hereby repealed ; and that hereafter the said Corporation shall be formed and composed of the Roman Catholic

Part of s. 1 of Act of L. C. 3 W. 4, c. 36, repealed.

Who shall hereafter be members of

Catholic Bishop of St. Hyacinthe and his successors, of the Superior of the said Seminary and his successors, and of the two Priests, or in default of Priests, of the two Ecclesiastics, resident in the Seminary, appointed by the Director as Professors of Belles Lettres and Natural Philosophy, and of the Ecclesiastics who shall for the future be attached to the said Seminary, and their successors in office. the Corporation.

II. And be it enacted, That the present Members of the said Corporation, except the Roman Catholic Bishop of Montreal, and the Rector (*Curé*) or Missionary of the Parish of St. Hyacinthe, shall continue to be and remain Members of the said Corporation, and shall, with the said Bishop of St. Hyacinthe, and the other Members of the said Corporation, exercise all the powers granted by the Act above cited. Present members to remain in office; exception.

III. And be it enacted, That this Act shall not in any manner affect any rights acquired by the said Corporation, or by third parties, before the passing thereof, but such rights shall remain in full force. Acquired rights saved.

IV. And be it enacted, That the Interpretation Act shall apply to this Act and to the Act amended by it. Interpretation Act to apply.

V. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . L X X X I V .

An Act to incorporate *The Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie.*

[Assented to 24th March, 1853.]

WHEREAS an Association hath existed for several years in the parish of St. Etienne de la Malbaie, in the county of Saguenay, in this Province, under the name of *The Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie*, the object whereof is to afford relief to sick women and children compelled by poverty to have recourse to the charity of benevolent persons; And whereas the said Association is composed of the persons hereinafter named, and others, who have set forth by their Petition that the incorporation of the said Association would increase and secure the advantages resulting therefrom, and have prayed that they and their successors may be incorporated in conformity with the regulations and provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government* Preamble.

Certain persons incorporated.

Corporate name and powers.

Real property limited.

Property of the present Association vested in the corporation.

By-laws, Officers, &c., of the present Association to remain until altered.

Public Act.

of Canada, and it is hereby enacted by the authority of the same, That A. Simard, C. Langlois, D. Cimon, C. Duberger, M. A. Zoé Cimon, P. Duberger, M. C. Garon, Agnes Blackburn, Emma Cimon, Maria Anne Blackburn, and Marie Malvina Lemoine, and such other persons as now are or shall under the provisions of this Act and the By-laws of the said Association be or become Members thereof, shall be and they are hereby constituted a Corporation under the name of *The Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie*, and shall be entitled to acquire, hold, possess, take and receive for the purposes of the said Corporation, any lands, tenements, or hereditaments, and real or immoveable property lying within this Province, not exceeding, in yearly value, the sum of One Hundred and Twenty Pounds currency, and the same to sell, alienate and dispose of, and acquire others in their stead for the purposes above mentioned.

II. And be it enacted, That all and every the estate real and personal belonging to the said Association, and which the said Association or the Members thereof, as such, may hereafter acquire, and all debts, claims and demands due to the said Association, shall be and they are hereby vested in the said Corporation hereby constituted, and the said Corporation shall be liable for all debts due by or claims against the said Association; and the said Corporation shall, when thereunto required by the Governor, lay before him a Statement of the property held by them, with the value thereof, also of the expenditure, debts and claims of the Corporation, and of the moneys then in their hands.

III. And be it enacted, That the By-laws, Rules and Regulations of the said Association in force at the time of the passing of this Act not being contrary to this Act, or to any other Act, or law in force in Lower Canada shall be and continue to be the By-laws, Rules and Regulations of the said Corporation until modified, altered or repealed by the said Corporation; and the Officers of the said Association at the time of the passing of this Act, and each of them, shall continue to fulfil their respective duties as Officers of the said Corporation, and to manage and conduct the affairs thereof, until others shall be appointed in their stead, under the said By-laws, Rules and Orders.

IV. And be it enacted, That this Act shall be a Public Act.

C A P . L X X X V .

An Act further to amend the Laws relating to Duties of Customs.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS it is expedient to reduce the Duties of Customs on certain articles hereinafter mentioned, and in other respects to amend or explain the Laws relative to Duties of

of Customs: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Duties imposed on the articles hereinafter mentioned, by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Law relative to Duties of Customs*, and set forth in the Schedule A to the said Act annexed, shall be and are hereby respectively altered and reduced as follows, that is to say :

Certain duties imposed by 12 V. c. 1, reduced or modified.

The specific duty on Sugar, refined, in loaves or crushed, or candy, shall be reduced from Fourteen Shillings the hundred weight, to Ten Shillings the hundred weight: Sugar.

The specific duty on Sugar, bastard and other kinds, shall be reduced from Nine Shillings the hundred weight, to Six Shillings the hundred weight: Sugar.

The specific duty on Molasses, shall be reduced from Three Shillings the hundred weight to Two Pence the Gallon: Molasses.

The following articles shall be subject to a duty of Two Pounds Ten Shillings for every Hundred Pounds of the value thereof, and no more, that is to say :

Certain articles to be admitted at 2½ per cent. *ad valorem*.

Caoutchouc, cordage of all kinds, sail-cloth, copper in bars or in sheets, yellow metal in bars or in sheets, iron in scraps, bars, pigs or sheets and not otherwise manufactured, bright and black varnish, pine oil, marine cement, chain cables of all sizes and iron chains of all sorts, tree-nails, bunting, felt-sheeting, printing presses, printing types, printer's ink, printing implements of all kinds, old nets and ropes, cotton and flax waste, rags, fire clay, and Russia hemp yarn.

The duty on Wine of all kinds, shall be uniform, and such uniform Duty shall be Six Pence the gallon, and Thirty Pounds for every Hundred Pounds of the value thereof, whatever be the value of the Wine, and whether it be in wood, in bottles or in vessels of any other material or kind. Wine.

The specific and *ad valorem* duties on Salt shall be and are hereby repealed, and it shall be admitted free of duty. Duty on Salt repealed.

Seeds of all kinds shall be admitted free of duty in all cases; but the term "seeds" shall not include barley, buckwheat, bear and bigg, oats, rye, beans or peas. Seeds to be free.

Sect. 3. of 12
V. c. 1, re-
pealed.

II. And be it enacted, That the third section of the Act last above cited shall be and is hereby repealed.

12 V. c. 1
amended.

III. And in amendment of the Act last above cited, Be it enacted :

As to duty on
packages.

That so much of the fourth section of the Act last above cited as is in the words following :—“ Excepting always such packages as are required only for the security of the goods during the transport thereof, and which do not usually accompany the goods when sold in this Province, as being necessary for containing the same,” shall be and is hereby repealed ; and that the duty on the packages in which any goods are contained, shall be an *ad valorem* duty on the value of such packages at the same rate *per centum* as the *ad valorem* duty on the goods contained in them, unless such goods be free of duty or chargeable with a less duty than would be payable on the packages if imported empty as merchandise, in which case they may be charged with duty as merchandise apart from the goods they contain :
Provided always, that by any departmental order or orders, to be from time to time made and approved by the Governor, certain packages containing goods of small value, to be described and mentioned in such order, may be wholly exempted from duty.

Proviso.

As to mode of
calculating
value for *ad
valorem* duties.

The sixth section of the Act last above cited, shall be and is hereby repealed ; and in all cases where any duty is or shall be imposed on any goods imported into this Province *ad valorem* or according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were exported directly to this Province : and it shall be the duty of each and every Appraiser and of every Collector when acting as such, by all reasonable ways and means in his power to ascertain the fair market value as aforesaid of any goods to be appraised by him, and to estimate and appraise the value for duty of such goods, at the fair market value as aforesaid ; Provided always, that by any departmental order authorized by the Governor, it may be provided that in the cases and on the conditions to be mentioned in such order, and while the same shall be in force, goods *bonâ fide* exported to this Province from any Country, but passing *in transitu* through another Country, shall be valued for duty as if they were imported directly from such first mentioned Country.

Proviso.

As to the pay-
ment of costs
of appraise-
ment.

The costs of the appraisement of any goods by merchants, under the fifteenth section of the Act last above cited, shall be paid by the party dissatisfied with the former appraisement, whenever the value ascertained by such second appraisement shall exceed by ten per centum or more, the value of such goods for duty, as it would appear by the Invoice and Bill of Entry thereof.

IV. And be it enacted, That spirits and strong waters having the flavor of any kind of spirits or strong waters subject to a higher duty than that imposed on Whiskey, shall be liable to the duty imposed on the kind of spirits or strong waters of which they have the flavor as aforesaid, from whatever substance they may be distilled or prepared; but nothing in this Section shall be construed as a declaration that spirits and strong waters so flavored, were or were not before the passing of this Act subject to the duty imposed on those of which they have the flavor.

What duties shall be payable on spirits having certain flavors.

V. And for the better understanding of the Act last above cited, Be it declared and enacted, That the Invoice of any goods produced and delivered to the Collector with the Bill of Entry thereof, under the eighth section of the Act last above cited, must in every case, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the oath of the Importer or Consignee or other person who may under the said Act lawfully make entry of such goods and verify such Invoice, if the owner or one of the owners be not the person entering such goods, and must be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the eleventh section of the said Act, although one of the owners be the person entering such goods and verifying the Invoice on oath.

Sect. 8 & 11 of 12 V. c. 1 explained as to alterations of Invoices.

VI. And inasmuch as doubts may arise as to whether any or what duty is payable on any goods, more especially when such goods are of a new or unusual kind, or compounded of various kinds of materials, or imported in an unusual manner or under unusual circumstances; for removing such doubts and avoiding litigation, Be it enacted, That if in any case any doubt shall arise as to whether any or what duty is, under the laws then in force, payable on any kind of goods, and there be no decision in the matter by any competent tribunal, or decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question or goods imported in the manner or under the circumstances in question, or that such goods are exempt from duty; and any order in Council containing such declaration and fixing such duty (if any) and published in the *Official Gazette*, shall have the same force and effect as if such duty had been fixed and declared by this Act, until it shall be otherwise ordered by the Legislature; and a copy of the said *Gazette* containing a copy of any such order shall be evidence thereof.

Governor in Council may declare the duty in doubtful cases, or that the goods are free from duty.

VII. And be it enacted, That if any warehoused goods shall be fraudulently concealed in or removed from any public or private warehouse in this Province, such goods shall be forfeited; and any person fraudulently concealing or removing such goods, or aiding or abetting such removal, shall incur the penalties now imposed

Penalty on persons committing certain offences with regard to warehoused goods.

imposed on persons illegally importing or smuggling goods into this Province ; and if any importer or owner of any warehoused goods, or any person in his employ, shall by any contrivance fraudulently open the warehouse in which they are, or shall gain access to the goods except in the presence of or with the express permission of the proper Officer of the Customs acting in the execution of his duty, such importer or owner shall for every such offence forfeit the sum of Two Hundred and Fifty Pounds ; and any person who shall wilfully alter, deface or obliterate any mark placed by any Officer of the Customs on any package of warehoused goods, shall for every such offence forfeit the sum of One Hundred and Twenty-Five Pounds.

This Act to be construed as one Act with 10 & 11 V. c. 31 and 12 V. c. 1.

VIII. And be it enacted, That this Act shall be construed as if its provisions made part of the Act last above cited, and of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned* ; and all words and expressions used in this Act shall be held to have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the penalties, forfeitures and duties imposed by either of them, shall apply to the penalties or forfeitures imposed or the duties payable under this Act, except in so far only as the said provisions may be inconsistent with this Act : Provided that nothing in this Act contained shall have a retroactive effect.

Proviso.

C A P . L X X X V I .

An Act to amend and consolidate the Laws relative to Emigrants and Quarantine.

[Assented to 22nd April, 1852.]

Preamble.

WHEREAS it is expedient to repeal the several Acts now in force respecting Emigrants, and to consolidate those provisions thereof which have been found effective and expedient, with such amendments as experience hath shewn to be requisite : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled,

Acts 12 V. c. 6.

intituled, *An Act to encourage Emigrants from Europe to the United States to use the St. Lawrence route*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the commutation of certain Bonds required under the Emigrant Act*, and the Act passed in the Session last aforesaid, and intituled, *An Act to amend the Emigrant Act, by reducing the Tax on Emigrants coming into this Province, and for other purposes*, shall be and the said Acts are hereby repealed, except as to any duty payable or penalty incurred under them or any of them; but no Act repealed by them or any of them shall revive by reason of their repeal.

13 & 14 V.
c. 4,
14 & 15 V.
c. 3, and
14 & 15 V.
c. 78, re-
pealed.
Exception.

II. And be it enacted, That there shall be raised, levied and collected, a rate or duty payable in the manner hereinafter prescribed by the master or person in command of every vessel arriving in the Port of Quebec or in the Port of Montreal from any Port of the United Kingdom or of any other part of Europe, with Passengers or Emigrants therefrom, and such rate or duty shall be Five Shillings currency for every Adult Passenger or Emigrant and Three Shillings and Nine Pence for every other Passenger or Emigrant between the ages of one and fourteen years, who shall have embarked from any Port in the United Kingdom under the sanction of Her Majesty's Government, ascertained by a certificate from one of the Officers of Her Majesty's Customs at the Port at which such Vessel shall have cleared or from any other Port in Europe with the sanction of the Government of the Country to which such Port belongs, ascertained by certificate of the proper authority at such Port, and Seven Shillings and Six Pence currency for every Passenger or Emigrant who shall have embarked without such sanction: and such rate or duty shall be paid by the master or person in command of such Vessel, or by some person on his behalf, to the Collector of Customs at the Port in this Province at which such Vessel shall be first entered, and at the time of making such first entry, which shall contain on the face of it the number of Passengers actually on Board the vessel; and no such entry shall be deemed to have been validly made or to have any legal effect whatsoever, unless such rates or duties be so paid as aforesaid; Provided always, that no child under the age of one year shall be reckoned among the number of Passengers: And provided also, that any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General or other Officer having charge of the Military Chest in this Province, and authorizing the payment to the Collector of Customs aforesaid, of the rate or duty which would otherwise be payable by the Master of any Vessel for any Emigrant or any number of Emigrants on Board such Vessel, shall be taken and accepted by the Collector as payment of the rate or duty payable on such Emigrant or Emigrants, and the sum mentioned in such order shall

Duty imposed, and how payable.

Emigrants coming with the Sanction of Government.

If without such sanction.

Payment of duty.

Proviso.

Proviso.

Drafts or Commissary General, &c. to be taken in payment of duty.

shall thereafter be received by such Collector and paid over and applied in the same manner as other money raised under the authority of this Act.

Recital.

Penalty for taking Passengers on board after the completion of the Passenger list.

III. And whereas Masters of Vessels are in the practice of embarking Passengers after the Vessel has been cleared and examined by the proper Officer at the Port of departure, and without delivering lists of such additional Passengers to some Officer to whom by law the same ought to be delivered; For the prevention and punishment of such practice—Be it enacted, That for every Passenger not included in the list of Passengers by any Vessel sailing from a Port in Her Majesty's Dominions, delivered to the Collector of Customs at the Port of departure, or at the Port where such additional Passenger may have been embarked, or at the Port at which such Vessel may have touched after the embarkation of such Passenger, the Master or Person in command of such Vessel shall, in addition to the rate or duty payable as aforesaid, and at the same time and under the same penalties, pay to the Collector of Customs at the Port of Quebec or Montreal, at whichever the said Vessel shall be first entered, the sum of Forty Shillings currency for each Passenger so embarked as aforesaid and not included in one of the said lists.

Passengers not to leave the Vessel until a correct list of them shall have been delivered and the duty paid.

IV. And be it enacted, That no Master or Person having the command of any Vessel arriving in either of the Ports last mentioned, shall permit any passenger to leave such Vessel until he shall have delivered to the Collector of Customs at such Port, a certified and correct Passenger list in the form hereinafter mentioned, nor until such list shall have been certified to be correct and a certificate of such correctness and a permission to allow his Passengers to leave the Vessel, and a receipt for the duties payable by him under the provisions of this Act, shall have been given to him by the said Collector of Customs, under a penalty of not less than Five Pounds and not exceeding Twenty-five Pounds currency, to be paid by such Master or Person having the command of the Vessel, for every Passenger leaving the same contrary to the provisions of this Act: Provided always, that the said list shall contain the name of each head of a family being a Passenger on Board such Vessel, his profession or trade, his country and the place of his destination, and the number of adult persons and children belonging to his family on board such Vessel, and the name of each person not belonging to any family, with the like particulars of country, trade, profession and destination.

Proviso.

Particulars in such list.

Penalty on Vessels coming from any place out of Her Majesty's dominions

V. And be it enacted, That if any Vessel from any Port or Place on the continent of Europe, or from any other Port or Place out of Her Majesty's dominions, shall come within the limits of this Province having on board or having had on board at any time during her voyage, any greater number of Passengers

Passengers than one Adult Passenger for every twelve clear superficial feet on the lower or Platform Deck of such Vessel appropriated to the use of such Passengers and unoccupied by stores or other goods not being the personal luggage of such Passengers, or having on board or having had on board at any time during her voyage a greater number of persons, (including the Master and Crew and the cabin Passengers (if any,) than in the proportion of one person for every two tons of the tonnage of such Ship calculated in the manner used for ascertaining the tonnage of British Ships, the Master of such Vessel shall thereby incur a penalty of not less than Two Pounds nor more than Five Pounds for each Passenger or person constituting such excess : Provided always, that for the purposes of this section, each person of or above the age of fourteen years shall be deemed an Adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one Adult : And provided also that this section shall not apply to any Vessel arriving in this Province before the first day of October one thousand eight hundred and fifty-three.

and having more than a certain proportion of passengers to their tonnage.

Proviso.

Proviso.

VI. And be it enacted, That the Master of any Passenger Vessel shall, within twenty-four hours after such Vessel shall arrive in the Port of Quebec or of Montreal, and before any entry of such Vessel shall be allowed, deliver to the Collector of Customs at the Port at which such Vessel shall be entered, a correct list in the form of the Schedule A to this Act, of all the Passengers on board such Vessel at the time of her departure from the Port or place whence she shall have cleared or sailed for this Province, and a true statement of the other particulars mentioned in the said form, under a penalty upon such Master of Five Pounds for each day during which he shall neglect so to deliver such list after the expiration of such twenty-four hours, and of Two Pounds for each Passenger whose name shall be omitted in such list.

Passenger list to be delivered before entry of the Vessel.

Penalty for neglect, &c.

VII. And be it enacted, That in addition to the particulars hereinbefore required in the list of Passengers to be delivered on each voyage by the master of any vessel carrying Passengers and arriving in either of the Ports of Quebec or Montreal, to the Collector of Customs at such Port, the Master shall report in writing to the said Collector, the name and age of all Passengers embarked on board of such vessel on such voyage, who shall be lunatic, idiotic, deaf and dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them ; and in case any such Master or person having the command of any such Vessel shall omit or neglect to report the particulars herein specified, or shall make any false report in any such particulars, he shall incur a penalty of not less than Five Pounds and not exceeding Twenty-Five Pounds currency, for every such Passenger in regard to whom any such omission or neglect shall have occurred or any such false report or statement shall be made, for which penalty the owner or owners of every such

Further particulars respecting Passengers to be reported.

Penalty for neglect, &c.

such Vessel shall also be liable jointly and severally, and which may be sued for and recovered as hereinafter provided.

Further particulars to be reported.

Property left by deceased Passengers how to be dealt with.

Penalty for neglect, &c.

Passengers may be allowed to leave the Vessel under certain circumstances.

Penalty if the report be incorrect.

Penalty on Pilots knowing that Passengers have left the Vessel unlawfully,

VIII. And be it enacted, That the said report shall further contain the name, age and last place of residence of any person who may have died during the passage of such Vessel, and shall specify whether such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys, goods and effects which may have been left by such Passenger, and if there shall have been no such relatives or other persons entitled to take charge of the same, then the said report shall fully designate the quantity and description of such property, whether money or otherwise, which shall have been left by such Passenger, and the said Master or person in command of any such Vessel shall pay over and fully account for the same, to the Collector of Customs for the Port at which the said Vessel may be entered; and the said Collector of Customs shall thereupon grant unto such Master a receipt for all such moneys, goods or effects as may be so placed in his hands by such Master, which receipt shall contain a full description of the nature or amount thereof; and in case any Master or person in command of any such Vessel shall neglect or refuse to make such report, or to pay over and account for any such moneys, goods or effects as required by this section, he shall incur a penalty of not less than Five Pounds and not exceeding Two Hundred and Fifty Pounds currency, for every such case of neglect or refusal.

IX. Provided always and be it enacted, That nothing in this Act contained shall prevent the Master or person having the command of any Vessel, from permitting any Passenger to leave the Vessel at the request of such Passenger before the arrival of the Vessel in the Harbour of Quebec, but in every such case, the names of the Passengers who shall so leave shall be entered in the manifest on the list of Emigrants made out at the time of the clearing of the Vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signatures of the Passengers so leaving the Vessel; and if the number of Passengers remaining on board on the arrival of the Vessel in the Harbour of Quebec do not correspond with that mentioned in such manifest, after deducting the number who shall have so left the Vessel, the Master or person having the command of such Vessel shall incur a penalty of Five Pounds currency for each Passenger not found on board or entered on the manifest as having left the Vessel as aforesaid.

X. And be it enacted, That every Pilot who shall have had charge of any Vessel having Passengers on board, and shall know that any Passenger has been permitted to leave the Vessel contrary to the provisions of this Act, and shall not within twenty-four hours after the arrival of such Vessel in the Harbour

Harbour to which he shall have engaged to pilot her, inform the Collector of Customs at such place, that a Passenger or Passengers has or have been so permitted to leave the Vessel, shall incur a penalty not exceeding Five Pounds currency, for every Passenger with regard to whom he shall have wilfully neglected to give such information.

XI. And be it enacted, That every Passenger on board any Vessel arriving in the Harbour to which the Master or person in command of such Vessel shall have engaged to convey him, shall be entitled to remain and keep his baggage on board such vessel during forty-eight hours after her arrival in such Harbour, and every such Master who shall compel any Passenger to leave his Vessel before the expiration of the said term of forty-eight hours, shall incur a penalty of not exceeding Five Pounds currency, for every Passenger he shall so compel to leave his Vessel, nor shall any Master or person in command of such Vessel, remove or cause to be removed, before the expiration of the said forty-eight hours, any berthing or accommodation used by his Passengers, under like penalty, except with the written permission of the Medical Superintendent at the Quarantine Station.

XII. And be it enacted, That it shall be the duty of the Medical Superintendent at the Quarantine Establishment in this Province, forthwith after the arrival thereof of any Vessel carrying Passengers, to examine into their condition, and for that purpose the said Medical Superintendent, or such other competent person or persons as may be thereunto appointed, shall have authority to go on board and through any such Vessel and to inspect the said list of Passengers, and the Bill of Health, Manifest, Log Book or otherwise of the said Vessel, and, if necessary, to take extracts from the same; and if, on examination, there shall be found among such Passengers any Lunatic, Idiotic, Deaf and Dumb, Blind or Infirm Person, not belonging to any Emigrant family, and any such person shall, in the opinion of such Medical Superintendent, be likely to become permanently a public charge, the said Medical Superintendent shall forthwith report the same officially to the Collector of Customs at the Port of Quebec or of Montreal, at whichsoever the Vessel is to be first entered, who shall require the Master of such Vessel, in addition to the rate or duty payable for the Passengers generally, to execute jointly and severally with two sufficient sureties, a Bond to Her Majesty in the sum of Seventy-Five pounds currency, for every such Passenger so specially reported, conditioned to indemnify and save harmless this Province or any Municipality, Village, City, Town or County, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the execution of the said Bond, for the maintenance and support of any such Passenger; and the said sureties shall justify before and to the satisfaction of

and not reporting the fact.

Passengers may remain on board the Vessel a certain time after her arrival.

Penalty for compelling them to leave, &c.

Or removing berthing without leave.

Duty of Medical Superintendent on arrival of Vessel at Quarantine Station.

Report to Collector in certain cases.

Bond in respect of Emigrants likely to become chargeable to the Public.

of the said Collector, and by their Oath or Affirmation (which such Collector is authorized to administer) shall satisfy him that they are respectively residents in this Province, and each worth double the amount of the penalty of such Bond over and above all their debts and liabilities, personal and real: Provided always, that it shall be optional with the Master of such Vessel either to enter into such Bond, jointly and severally with sufficient sureties, as aforesaid, or to pay to the Collector of Customs who might otherwise require such Bond, such sum of money as the Chief Emigration Agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf, as being just and equitable and sufficient to indemnify the Province or any Municipality, Village or City, Town or County, or Charitable Institution within the same, against the risk of expense for the care, support and maintenance of such Passenger or Passengers during the then next ensuing three years; and the money so paid shall form part of the Emigrant Fund.

Proviso.

Bond may be commuted for, and money paid instead of giving it.

Bond to be enforced if any such Passengers become chargeable on the Public.

XIII. And be it enacted, That in case any Passenger in respect of whom any Bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable upon this Province, or upon any Municipality, Village, City, Town, or County, or upon any Charitable Institution within this Province, the payment of such charge or expense incurred for the maintenance and support of such Passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained or such portion thereof as shall be required for the payment of such charges or expenses.

Penalty for refusing to execute such Bond or to commute for the same.

XIV. And be it enacted, That if the Master of any Vessel on board of which such Passenger specially reported as aforesaid shall have been carried, shall neglect or refuse to execute the said Bond, or to pay the sum which he may as aforesaid pay instead of giving such Bond, forthwith after the said Ship shall have been reported to the said Collector of Customs, such Master shall incur a penalty of One Hundred Pounds currency, and the said Vessel shall not be cleared on her return voyage until the said Bond shall have been executed or the said sum paid, nor until the said penalty shall have been paid, with all costs which shall have been incurred on any prosecution for the recovery thereof.

Collector to transmit the Bond to the Receiver General.

XV. And be it enacted, That after any such Bond as aforesaid shall have been executed, the Collector of Customs shall transmit the same to the Receiver General of this Province, to be by him kept and held, during the said period of three years from the execution of the said Bond, or until the payment of the penalty therein mentioned (if incurred) shall be enforced; and for the purpose of ascertaining the necessity of such enforcement, it shall be the duty of the Chief Emigration Agents,

Duty of Chief Emi-

Agents, in Upper and Lower Canada, upon representation made to either of them, as the case may be, in their respective portions of the said Province, to ascertain the right and claim to indemnity for the maintenance and support of any such specially reported Passenger, and to report the same to the Governor of this Province through the Provincial Secretary, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated, and the said penalty, or so much thereof as shall be from time to time sufficient to defray the expense incurred for the maintenance and support of any Passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered by suit or information in Her Majesty's name, in any Court in this Province having jurisdiction in civil cases to the amount for which such suit or information shall be brought.

grant-Agents
in respect
thereof.

Effect of their
Report.

XVI. And whereas inconvenience and expense are occasioned by Masters of Vessels carrying Passengers anchoring at great distances from the usual landing places in the Port of Quebec, and landing their Passengers at unreasonable hours ; Be it therefore enacted, That all Masters of Vessels having Passengers on board shall be held and they are hereby required to land their Passengers and their Baggage free of expense to the said Passengers, at the usual Public Landing Places in the said Port of Quebec, and at reasonable hours not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon ; and such Vessels shall for the purpose of landing their Passengers and Baggage, be anchored within the following limits in the said Port, to wit : the whole space of the River Saint Lawrence from the mouth of the River Saint Charles to a line drawn across the River Saint Lawrence, from the Flag-staff on the Citadel on Cape Diamond, at right angles to the course of the said River, under a penalty of Ten Pounds currency, for any offence against the provisions of this section.

Recital.

Passengers to
be landed on
Wharves free
of expense,
and between
certain hours.

Vessel to lie
within certain
limits.

Penalty for
contravention.

XVII. And whereas great inconvenience and expense are also occasioned to Emigrants by Steamers from Quebec, taking Passengers from on board Emigrant Vessels, and proceeding directly up the River without returning to the wharf at Quebec : Be it therefore enacted, That if any Steam Vessel bound for any place beyond the limits of the Port of Quebec upwards, shall go alongside of any Vessel lying in the Stream or elsewhere than at a wharf within the Harbour of Quebec, and receive any Passenger or Passengers from such Vessel, or shall receive any Passenger or Passengers while such Steam Vessel is elsewhere than at some wharf in or adjoining the City of Quebec, such Steam Vessel shall after receiving such Passenger or Passengers, return to and remain at some wharf in or adjoining the said City during at least two hours before proceeding on her voyage, and shall during that time be provided with Gang-ways and proper

Recital.

Steam Vessels
receiving emi-
grants in the
Stream at
Quebec, not to
proceed up-
wards without
returning to
the wharf and
remaining a
certain time.

proper conveniences by which the Passengers may pass from the said Steam Vessel to the shore, and back to the said Steam Vessel, with their families, goods and effects, under a penalty of Ten Pounds currency, upon the Master of such Steam Vessel for any offence against the provisions of this section :
 Penalty. Provided always, that it shall be lawful for such Steam Vessel to proceed on her voyage within the said two hours, if the Master thereof shall obtain from the Chief Emigration Agent at Quebec, a written permission to that effect.
 Proviso.

Recital. XVIII. And whereas it is expedient to repeal the Acts now in force for compelling the performance of Quarantine in certain cases and for preventing the introduction of infectious and contagious diseases into this Province—Be it therefore enacted, That the Act of the Parliament of the late Province of Lower Canada, passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act to oblige Ships and Vessels coming from places infected with the Plague or any Pestilential Fever or Disease, to perform Quarantine and to prevent the communication thereof in this Province*, and 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 Quarantine Act*, shall be and are hereby repealed, except as regards any offence committed or penalty incurred under either of them before the passing of this Act, with regard to which they shall remain in force.
 Act of L. C. 35 G. 3. c. 5.
 and Act of Canada 12 V. c. 7, repealed.
 Exception.

Governor in Council may make Regulations for ensuring the due observance of all precautions necessary for preventing the introduction or spread of disease in this Province.
 XIX. And be it enacted, That the Governor in Council shall have full power and authority from time to time to make such Regulations as he shall think proper for enforcing compliance with all the requirements of this Act, and for ensuring the due performance of Quarantine, by and in respect of Vessels, Passengers and Goods coming into the Port of Quebec, to which he shall think it right for the preservation of the Public Health that such Regulations should apply, and for the thorough cleansing and disinfecting of such Vessels, Goods and Passengers, so as to prevent as far as may be possible, the introduction or dissemination of disease into or in this Province, and from time to time to revoke, alter or amend such Regulations or any of them and to make others in their stead : and such Regulations shall have the force of law during such time as they shall respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they shall have been limited to be in force : And by such Regulations it shall be lawful for the Governor in Council, to require the Master or Person in charge of every Vessel coming up the River St. Lawrence from below the Quarantine Station at Grosse-Isle, except only such Vessels as shall be therein designated and referred to as excepted, to bring such Vessel to anchor at such place at the said Quarantine Station as shall be designated in
 What may be required by such Regulations.

in the said Regulations, and to report such Vessel in writing to such Officer at the said Station as shall be designated for that purpose in such Regulations, with all such particulars relative to the same and to the Voyage, Passengers and Cargo thereof, as shall be required by such Regulations or by any Officer duly authorized under them to require the same, and to allow the proper Officer to visit and inspect such Vessel and every part thereof, and the Passengers and Crew and the cargo and other articles on board the same, and to answer truly all questions which shall be asked of him touching the same, and to send on shore at the said Station and at such places there as shall be pointed out by the Officer thereunto authorized by the said Regulations, any or all of their Passengers, Crew, Cargo or other articles on board such Vessel, as the said Officer may think necessary for preventing the introduction of contagious or infectious disease, and to allow such Passengers, Crew, Cargo and other articles, and also the Vessel itself, to remain so long at the said station and at such places thereat respectively, and to be so treated, cleansed and purified as the said Officer shall think necessary for the purpose aforesaid ; And by such Regulations it shall be lawful for the Governor in Council, to assign to the several Officers and persons to be employed at the said Quarantine Station, such powers and duties as may be necessary for carrying the said Regulations and this Act fully into effect, and to declare that any such Officer or person shall by virtue of his office or employment, be a Justice of the Peace or a Constable or Peace Officer for Grosse-Isle and the said Quarantine Station, and for such space around the same as shall be described in such Regulations, and such Officer shall accordingly be such Justice of the Peace or Peace Officer whether he be otherwise qualified or not : And by such Regulations the Governor in Council may impose fines not exceeding One Hundred Pounds in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such fine be paid, and may direct that no Vessel shall be entered or cleared at the Port of Quebec or of Montreal, until all the requirements of such Regulations shall be fully complied with, and may direct that any Person, Vessel or thing, who or which shall have passed or departed from or been removed from the said Quarantine Station, before all the requirements of such Regulations shall have been complied with in respect of such Person, Vessel or thing, or without the written permission of the Officer empowered to authorize such passing or departure, may be compelled to return or be carried back to the said Station, and by force if necessary.

Powers and duties may be assigned to Officers by such Regulations.

Penalties.

Compelling the return of vessels and things unlawfully passing Quarantine Stations, &c.

XX. And be it enacted, That the Quarantine Establishment at Grosse-Isle shall consist of a Superintendent of Emigration, and a Medical Superintendent, with such Medical Assistants, Hospital Stewards, Matrons, Nurses, Police Force and other Officers and Servants as the Governor in Council shall deem necessary, and as the Governor shall appoint, and who shall receive such salaries,

Quarantine Establishment.

Medical Officer at Quebec. salaries, compensation or allowances as the Governor in Council shall think proper; and it shall be lawful for the Governor to appoint a Medical Officer at Quebec to board, visit and inspect such vessels in the Harbour of Quebec, and to perform such other duties and to have such powers as the Governor in Council shall by any Regulations to be made as aforesaid direct and appoint, and any such Regulations shall be held to be included in those which the Governor in Council is empowered to make by the next preceding Section, all the provisions whereof shall apply to them, and such Medical Officer shall receive such salary or compensation as the Governor in Council shall think proper.

Publication of Regulations. XXI. Provided always and be it enacted, That no Regulation made under either of the next foregoing Sections, and affecting others than the Officers and persons employed in carrying this Act into effect or under the provisions thereof, shall have the force of law, unless and until it shall have been published in the Official Gazette of this Province at least twice and there be an interval of at least six days between each such publication.

Expenses under this Act how defrayed. XXII. And be it enacted, That all the expenses to be incurred in carrying the provisions of this Act into effect, or under the provisions thereof, shall be paid out of the moneys levied under the authority of this Act.

Duties and penalties to be a special lien on the Vessel, &c. XXIII. And be it enacted, That all and every the rates or duties, penalties or forfeitures imposed or declared under the authority of this Act, shall be a special lien upon the vessels by reason whereof such moneys shall have become payable, and the master whereof shall have become liable in such penalty, and may be enforced and collected by the seizure and sale of the ship, her tackle or furniture, under the warrant or process of the Justices or Court before whom the same may have been sued for and recovered, and shall be preferred to all other liens or hypothecations, except mariners' wages.

Moneys collected to be paid over to Receiver General. XXIV. And be it enacted, That the moneys levied under the authority of this Act shall be paid by the Collector of Customs by whom they shall have been received, into the hands of the Receiver General, for the purposes hereinafter mentioned.

Application of moneys levied under this Act. XXV. And be it enacted, That the moneys raised, levied and received under the authority of this Act, shall be applied by such Officers or persons and under such rules and regulations as the Governor of this Province shall appoint and make from time to time for that purpose, as well in defraying the expenses of carrying this Act into effect and those of forwarding destitute Emigrants to their place of destination and in otherwise aiding, relieving and providing for them, as in defraying the expenses of Medical attendance and examination of

of destitute Emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now or shall hereafter remain out of the said moneys or those raised under the Acts hereby repealed, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute Emigrants and their children.

XXVI. And be it enacted, That all penalties imposed by this Act or by any Regulation to be made by the Governor in Council under the provisions of this Act, and not exceeding Twenty Pounds in amount, shall be sued for by any Collector of Customs or by the Chief Emigration Agent at the Port of Quebec or of Montreal, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two Justices of the Peace in the City of Quebec or in the City of Montreal; and such Justices may commit the offender to the Common Gaol of the District until such penalty and costs shall be paid; and all penalties so imposed as aforesaid and exceeding the sum of Twenty Pounds, may be recovered by civil action by any such Officer as aforesaid on like evidence in any Court of competent jurisdiction; and one moiety of every such penalty shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General to be applied to the purposes to which the other moneys levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor: Provided always, that every offence against the provisions of this Act or any Regulation made under the authority thereof, the penalty imposed for which by this Act or any such Regulation, shall exceed the sum of Ten Pounds, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender shall be convicted.

Penalties how to be recovered and applied.
Not exceeding £20.

Exceeding £20.

Proviso: certain offences to be misdemeanors.

XXVII. And be it enacted, That upon complaint being made in any case over which two Justices have jurisdiction as aforesaid, before any one Justice of the Peace, he shall issue a Summons requiring the party offending or complained against to appear on a day and at an hour and place to be named in such Summons, and every such Summons shall be served on the party offending or complained against, or shall be left at his place of residence or business, or on board any vessel to which he may belong; and either upon the appearance or default to appear of the party offending or complained against, it shall be lawful for any two or more Justices to proceed summarily upon the case, and either with or without any written information, and upon proof of the offence or of the complainant's claim, either by confession of the party offending or complained against, or upon the oath of at least one credible witness other than the Prosecutor (which oath such Justices are hereby authorized to administer) it shall be lawful for the

Proceedings before Justices of the Peace on complaints under this Act.

Levying Penalties, &c.

Justices to convict the offender, and upon such conviction to order the offender or party complained against, to pay such penalty as is imposed by this Act, or by any such Regulation as aforesaid, according to the nature of the offence, and also to pay the costs attending the information or complaint, and if forthwith upon such order the moneys thereby ordered to be paid, be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such moneys, the surplus, if any, to be returned to him upon demand; and any such Justices may issue their warrant accordingly, and may order also such party to be detained and kept in safe custody until return can conveniently be made to such Warrant of Distress, unless such party shall give security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than three days from the time of taking such security; but if it shall appear to such Justices by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing such Warrant of Distress in such case, or if such Warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justices, or to any two or more of such Justices, then such Justices shall, by Warrant, cause the party ordered to pay such moneys and costs as aforesaid, to be committed to Gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid and such costs of distress and sale as aforesaid, be sooner paid and satisfied: Provided always, that such imprisonment in the case of a Master of any Vessel shall not discharge the said Vessel from the lien or liability attached thereto by the provisions of this Act.

Imprisonment of offender in certain cases.

Conviction &c., not to be removed or quashed for want of form.

XXVIII. And be it enacted, That no conviction or proceeding under this Act shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record within this Province; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Accounting Clause.

XXIX. And be it enacted, That every person to whom shall be entrusted the expenditure of any portion of the moneys hereby appropriated, shall make up detailed accounts of such expenditure, shewing the sum advanced to the accountant, the balance (if any) remaining in his hands, and the amount of the moneys hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General, and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account,

account, and shall be made up to and closed on the thirty-first day of December in each year during which such expenditure shall be made, and shall be attested before a Justice of the Superior Court or a Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

XXX. And be it enacted, That the due application of the moneys received for the public uses of the Province 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 for the time being, and in such manner and form as Her Majesty, Her Heirs and Successors shall direct ; and that a detailed account of all such moneys shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the then next session thereof.

Due applica-
tion of moneys
to be account-
ed for to the
Crown.

XXXI. And be it enacted, That the word " Master," whenever used in this Act, shall be held to apply to any person in command of a Vessel ; The word " Vessel " shall include all Ships, Vessels, or Craft of any kind carrying Passengers ; The word " Passengers " shall apply to all Passengers as well as to Emigrants usually and commonly known and understood as such, and not to Troops or Military Pensioners and their families, who are carried in Transports or at the expense of the Imperial Government ; The word " Quarantine " shall apply to Grosse-Isle, or other places at which such Quarantine shall be directed to be performed ; and any word importing the singular number shall include a plurality of persons or things, unless there be something in the context inconsistent with such interpretation.

Interpretation
Clause.

SCHEDULE A.

PARTICULARS RELATIVE TO THE VESSEL.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or place.	Total number of adult Passengers exclusive of Master, Crew and Cabin Passengers, which the Vessel can legally carry.	Where bound.

NAMES AND DESCRIPTION OF PASSENGERS.

Port of Embarkation.	Names of Passengers.	Adults.		Children between 1 and 14.		Profession, Occupation or calling of Passenger.	Nation or Country of Birth.	Port at which Passengers have contracted to be landed.	Any further particulars, as deaths, &c.
		Male.	Female.	Age.	Age.				

SUMMARY.

Adults	Number of Souls.	Number of Adults to which they are equal under the Provincial Act.
Children between 1 and 14		
Infants not over 1		
Total		

I hereby certify that the above is a correct description of the (Description of Vessel as Ship, Brig, &c.), (Name of Vessel) and a correct list of all the Passengers on Board the same at the time of her departure from (place from whence she came) and that all the particulars therein mentioned are true.

Signature of Master.

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Date

CAP. LXXXVII.

An Act to amend an Act passed in the Session of the Provincial Parliament held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices in the event of such security not being given within a time limited after the grant of such office, and for other purposes.*

[Assented to 22nd April, 1853.]

WHEREAS it is expedient to amend the Act passed in the Session of the Provincial Parliament, held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices in the event of such security not being given within a time limited after the grant of such office,* with regard to the provisions of the said Act for avoiding the grant of public offices as aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no office whatever shall be avoided nor shall be deemed to be avoided by the non-compliance with any of the provisions of the said Act, until the Governor or person administering the Government of this Province shall have declared the same to be avoided; any thing to the contrary in the said Act contained notwithstanding.

Preamble.

4 & 5 V. c. 91.

In what cases only the not giving security shall vacate the office.

II. And be it enacted, That it shall be lawful for the Governor or person administering the Government of this Province, by Order in Council, to approve and confirm the security given and entered into by, for or on account of any public officer previous to the passing of this Act, or within two months after the passing of this Act, although the same shall have been entered into after the time limited in the said Act; and the provisions of the said Act as to the avoiding of offices shall be deemed not to apply nor to have applied to any such public office, and the commission and tenure of any such office shall remain and shall be deemed to have remained in full force and effect, any thing to the contrary in the said Act contained notwithstanding; Provided always, that any security entered into approved and confirmed as aforesaid shall be deposited and registered in the manner and form provided for by the said Act,

Governor may approve security given after the time required by law, but before the passing of this Act.

Proviso.

Act, and the delay for depositing and registering the same shall be computed from the date of the Order in Council approving the same.

And so of affidavits of sufficiency.

III. And be it enacted, That whenever by any other Act now in force in this Province, any public officer was, is or shall be required to give security, or to fyle an affidavit of qualification within a limited time, it shall be lawful for the Governor or person administering the Government of this Province, to approve of the security given, or of the affidavit fyled by any such public officer, although the same may have been, or shall have been given or fyled after the time limited by law, and in such case the office or commission of any such public officer shall be deemed not to have been avoided, but shall remain and shall be deemed to have remained in full force and effect; any thing to the contrary in the said Act notwithstanding.

Offices not to be vacated in such cases.

IV. And be it enacted, That no act of any public officer whose security may or shall have been given, or registered or deposited, or whose affidavit of qualification may or shall have been fyled after the time limited by law, shall by such defect be void or voidable, or deemed to be void or voidable; any law, usage or custom to the contrary notwithstanding.

C A P . L X X X V I I I .

An Act to explain an Act intituled, *An Act to provide a remedy against Absent Defendants.*

[Assented to 22nd April, 1853.]

Preamble.

14 & 15 V. c.
10.

WHEREAS the wording of the first Section of an Act of the Legislature of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide a remedy against Absent Defendants*, is such as to have caused doubts to arise as to the meaning of the said Act, and it is expedient to declare and explain the meaning of the same: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said Section of the said Act was intended to refer and does refer to cases of persons having real or personal property in Upper Canada, although such persons may not have resided in Upper Canada.

Sect. 1 of the said Act explained.

CAP. LXXXIX.

An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof and that of Upper Canada College.

[Assented to 22nd April, 1853.]

WHEREAS the enactments hereinafter repealed have failed to effect the end proposed by the Legislature in passing them, inasmuch as no College or Educational Institution hath under them become affiliated to the University to which they relate, and many parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes; And whereas from these and other causes, many do and will prosecute and complete their studies in other institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic honours and rewards which their diligence and proficiency may deserve, and thereby to encourage them and others to persevere in the pursuit of knowledge and sound learning; And whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London in England, to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections hereinbefore referred to: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards connected with the said University, and with the College and Royal Grammar School*

Preamble.

Acts 12 V.
c. 82, and

13 & 14 V. c.
49, repealed.

of

Royal Charter. *of Upper Canada College, forming an appendage thereof, are hereby repealed, as is also so much of the Charter referred to in the Act first mentioned, as may be inconsistent with this Act; but so much of the said Charter as shall not be inconsistent with this Act, shall remain in force.*

UNIVERSITY OF TORONTO.

Corporate name of University.

II. The University established by the Charter aforesaid and mentioned in the said Acts, shall henceforth be called *The University of Toronto*, and shall continue to be a Body Corporate, with the powers vested in Corporate bodies by the Interpretation Act, and power to hold such real property as may be assigned to it under the provisions of this Act, and such other powers and privileges as are conferred upon it by those portions of the said Charter remaining in force, or by this Act, but such powers shall be exercised in accordance with the provisions of this Act.

General powers.

Functions of University defined.

III. There shall be no Professorship or other Teachership in the said *University of Toronto*, but its functions shall be limited to the examining of Candidates for Degrees in the several Faculties, or for Scholarships, Prizes or Certificates of Honor in different branches of knowledge, and the granting of such Degrees, Scholarships, Prizes and Certificates, after Examination, in the manner hereinafter mentioned.

Corporation how composed.

IV. The said Corporation of *The University of Toronto* shall hereafter consist of one Chancellor, one Vice-Chancellor, and such number of other Members of the Senate as the Governor of this Province shall from time to time appoint under His Hand and Seal at Arms, and as shall be appointed by the Senate under the power hereinafter given.

Senate, Chancellor and Vice-Chancellor.

V. The Chancellor, Vice-Chancellor and other Members of the Senate for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid.

Vacancies in Chancellorship.

VI. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy.

Office of Vice-Chancellor after the first to be an elective one.

VII. The office of Vice-Chancellor of the said University shall be a biennial one, that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year next but one after that in which he shall have been appointed or elected, and the day on which the term of office shall expire shall be appointed by Statute of the University; and the Members of the Senate shall, at a meeting to be holden for that

that purpose on some day within a month before the expiration of the said term of office, of which meeting notice shall be given in such manner as shall be fixed by Statute, elect some one of the Members of the Senate to be Vice-Chancellor when the term of office of the then Vice-Chancellor shall expire, and so from time to time biennially; or in case of the death, resignation, or other vacancy in the office of any such Vice-Chancellor, before the expiration of his term of office, they shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said Members of the Senate to be Vice-Chancellor for the remainder of the term in which such death, resignation, or other avoidance shall happen.

Election to be biennial.

VIII. If at any time, by death or otherwise, the number of the said Members of the Senate shall be reduced below the number of ten, exclusive of the Chancellor and Vice-Chancellor for the time being, then and in such case, and as often as the same shall happen, if the Governor do not think proper to complete the said number by appointment, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which notice shall be given in such manner as shall be provided by Statute, elect one or more fit and proper persons to be Members of the Senate in addition to the then remaining Members thereof, to the end that by means of such election the number of ten Members of the Senate of the said University may be completed, exclusive of the Chancellor and Vice-Chancellor of the said University; but no person shall be appointed or elected a Member of the Senate who shall not be a subject of Her Majesty.

Election of Members of Senate by the remaining Members in certain cases.

IX. The Governor of this Province shall be (as heretofore) the Visitor of the said University on behalf of Her Majesty, and such visitatorial powers may be exercised by commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, shall be binding on the said University and its Members and on all others whomsoever.

Governor to be the Visitor.

X. The Chancellor, Vice-Chancellor and Members of the Senate for the time being, shall (subject to the provisions of this Act relative to the income and property of the said University), have the management of and superintendence over the affairs and business thereof; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate to make such Statutes and to act in such manner as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Members of the Senate shall have full power from time to time to make and alter any Statutes (so as the same be not repugnant to the laws of

Senate to manage the business of the University. Power to make Statutes.

of Upper Canada, or to the general objects and provisions of this Act,) touching the examination for Degrees, or for Scholarships, Prizes or Certificates of Honor, and the granting of such Degrees, Scholarships or Certificates, and the fees to be paid by Candidates for examination or upon taking any Degree, and the application of such fees, and touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof, and in general touching all other matters whatsoever regarding the said University or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case unprovided for by this Act; and all such Statutes when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, and after they shall have been approved by the Visitor, shall be binding upon all persons being Members or Officers thereof, and upon all Candidates for Degrees, Scholarships, Prizes or Certificates of Honor to be conferred by the said University, and all others whom it may concern, a certified copy of such Statutes being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, for his approval; and no such Statute shall have force or effect until it shall have been approved by the Visitor, and such approval signified through the said Secretary: Provided always, that by any such Statute approved as aforesaid power may be given to any Committee, Officers or persons to make Regulations for better carrying out the provisions or object of any Statute, in the manner and to the extent therein prescribed.

Statutes to be approved by the Visitor before they are binding.

Proviso.

Power to grant Certificates of Honor.

XI. In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to grant Certificates of Honor in such branches of knowledge as they shall from time to time, by Statutes to be made in that behalf, determine.

Majority to decide, &c.

XII. All questions which shall come before the Chancellor, Vice-Chancellor and Members of the Senate, shall be decided by the majority of the Members present; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail.

Quorum.

XIII. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and four other Members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other Members of the Senate at the least, shall be present at the time of such decision, nor shall any Meeting be legally held unless held at the times or convened in the manner provided for by Statute as aforesaid.

Legal Meetings of the Senate.

Chairman.

XIV. At every Meeting of the Chancellor, Vice-Chancellor and Members of the Senate, the Chancellor, or in his absence the

the Vice-Chancellor, shall preside as Chairman, or in the absence of both a Chairman shall be chosen by the Members present or a majority of them.

XV. The said Chancellor, Vice-Chancellor and Members of the Senate for the time being shall have full power to appoint by Statute from time to time, and as they shall see occasion to remove in like manner, all Examiners, Officers and Servants of the said University, except the Bursar hereinafter mentioned.

XVI. Once at least in every year, at a time or times to be fixed by Statute, the said Chancellor, Vice-Chancellor and Members of the Senate shall cause to be held an Examination of the Candidates for Degrees, Scholarships, Prizes or Certificates of Honor as aforesaid; and at every such Examination the Candidates shall be examined by Examiners appointed for the purpose by the said Chancellor, Vice-Chancellor and Members of the Senate; and at every such Examination the Candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Members of the Senate shall consider the most fitting subjects for such examination; and special Examinations may be held for Honors; and all such Examinations shall be open and public.

XVII. And in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated or not incorporated, by connecting them for such purpose with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts and Master of Arts, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Members of the Senate, by proper Certificates, that such persons have in any of the Institutions hereinafter mentioned, gone through and completed such course of instruction as the said Chancellor, Vice-Chancellor and Members of the Senate shall, by Statutes to be made as aforesaid from time to time, determine; and the Institutions in which such course of instruction may be completed shall be those hereinafter mentioned, that is to say: all Colleges in Upper or Lower Canada incorporated by Royal Charter or by Act of the Parliament of this Province, or of either of the late Provinces of Upper or Lower Canada, and also such other Institutions, corporate or unincorporated, as now are or shall hereafter be established for the purposes of education within this Province, which the Governor of this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Members of the Senate, under His Hand and Seal at Arms.

XVIII. And for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and the improvement

Students may be examined for Degrees in Law or Medicine.

improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery and Pharmacy, and for the purpose of granting the Degrees of Bachelor of Laws and Doctor of Laws, respectively, the said Chancellor, Vice-Chancellor and Members of the Senate shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the Medical Schools and Institutions, or the Law Schools and Institutions, whether corporate or unincorporated, in this Province, from which, either singly or jointly with other Medical or Law Schools or Institutions in this Province, or in other parts of Her Majesty's Dominions, or in Foreign parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Members of the Senate, to admit Candidates for Degrees in Medicine or in Law, and on approval of such report by the Governor, shall admit any person to examination as a Candidate for the respective Degrees of Bachelor of Medicine or Doctor of Medicine, Bachelor of Laws or Doctor of Laws, to be conferred by the said University, on his satisfying the said Chancellor, Vice-Chancellor and Members of the Senate, that such Candidate has therein gone through and completed a course of instruction during such period as they shall, by regulations in that behalf, determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Members of the Senate, from time to time, with the approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions or Schools included therein, or by adding others thereto; and all Institutions from which, under this or the next preceding section Students may be examined for Degrees, shall be said to be affiliated for that purpose to the said University.

Affiliated Institutions, what.

Power to confer Degrees in Arts and Faculties.

XIX. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Examination, for Degrees or for Certificates of Honor as aforesaid, as the Chancellor, Vice-Chancellor and Members of the Senate shall, by Statute in that behalf, from time to time determine, and such fees shall be paid and applied as shall be determined by Statute.

Fees.

Standard of Qualification for Degrees, &c.

XX. The regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees or Certificates of Honor, and their Examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the *University of*

of Toronto may not be inferior to that adopted for a like Degree, Certificate or Honor in the University of London.

XXI. The Examiners may be required to make the following declaration before the Chancellor or Vice-Chancellor: Examiners to make a declaration of impartiality.

“ I solemnly declare that I will perform my duty of Examiner without fear, favor, affection or partiality towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all.”

XXII. The said Chancellor, Vice-Chancellor and Members of the Senate, may make such special Regulations as to them shall seem just, with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed course of instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same regulations as other Candidates. As to Students in the University before the passing of this Act.

XXIII. The said Chancellor, Vice-Chancellor and Members of the Senate, may grant Scholarships, Prizes and Rewards to persons who shall distinguish themselves at their examination, but the sum to be expended for such purposes in any one year shall not exceed such sum as shall be appropriated for that purpose under the provisions hereinafter made, and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Prizes and Rewards shall be granted according to Regulations previously made and published. Scholarships, Prizes and Rewards to be granted.

XXIV. The said Scholarships shall hereafter be held to be University Scholarships in any of the affiliated Institutions in Upper Canada, and shall be held by the Chancellor, Vice-Chancellor and Members of the Senate, for the purpose of being awarded according to the proficiency manifested on examination in prescribed subjects, and to each of such Scholarships an annual stipend shall be attached payable out of the University Income Fund, for such periods and on such conditions as shall be fixed by the regulations to be made by Statute in that behalf; and the holder of any Scholarship granted under this and the next preceding section shall have the title of “ University Scholar:” Provided always, that every Scholarship in the University of Toronto granted before this Act shall be in force, shall thereafter be a University Scholarship in University College hereinafter mentioned, and the holder thereof shall have the said title of “ University Scholar.” Nature of such Scholarships. Proviso.

XXV. Any Statutes made under the fiftieth section of the Act herein first cited and repealed, by the Commissioners therein referred to, and in force when this Act shall come into effect, Statutes under s. 50 of 12 V. c. 82, to-re-

main in force until repealed. effect, shall remain in force, in so far as they may not be inconsistent with this Act, until repealed or altered by the Chancellor, Vice-Chancellor and Members of the Senate of the said University, who shall have full power to amend or repeal the same and make others in their stead.

Senate to make certain Reports to the Governor.

XXVI. It shall be the duty of the Senate of the said University, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the University, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Senate shall also at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said University; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be laid before Parliament.

UNIVERSITY COLLEGE.

University College constituted to be managed by a Council.

XXVII. There shall be and there is hereby constituted at the City of Toronto, a Collegiate Institution by the name of *University College*, and the said College shall be under the direction, management and administration of a Body Corporate to be called *The Council of University College*, which shall have perpetual succession and a Common Seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have other the usual powers of Corporate Bodies, according to the Interpretation Act, subject to the said provisions.

Members of the Council.

XXVIII. The said Corporation shall consist of a President, Vice-President, and such Professors as may from time to time be appointed to Chairs in the said University College.

Meetings of the Council.

Chairman, &c.

XXIX. The President, or in his absence the Vice-President, or if both be absent, then the Senior Member of the Council present, shall preside at all Meetings of the Corporation, and in case of an equal division of votes among the Members present, the rule *præsumitur pro negante* shall prevail; and among Members appointed at the same time, the order in which their appointments shall have been made shall be the order of Seniority; and all such Meetings shall be held at the times to be prescribed by the Statutes of the said College.

Quorum.

Majority to decide.

XXX. Any five Members of the said Council shall be a *quorum* for transacting all business of the Council and doing all things which the said Council may lawfully do; and all things done at any Meeting of the Council shall be ordered by the majority of the votes of the Members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes.

XXXI.

XXXI. The said Council shall have full power and authority to make Statutes for the good government, discipline, conduct and regulation of the said College, and of the Professors, Teachers, Students, Officers and Servants thereof, for regulating the Fees to be paid by Students or persons attending lectures or receiving instruction in the said College, and the times of regular Meetings of the Council, and generally for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; Provided always, that no Statute made by the said Council shall have force and effect until it shall have been submitted to the Visitor of the said College, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Council to make Statutes for certain purposes.

Proviso: to have no force until approved by the Governor.

XXXII. There shall be in the said College such Professors, Lecturers and Teachers, and there shall be taught in the said College such Sciences, Arts and Branches of Knowledge as the Council shall, by their Statutes in that behalf, from time to time determine, such Statutes being consistent with Statutes of *The University of Toronto*, as regards the prescribed subjects of Examination; Provided always, that there shall be no Professor or Teacher of Divinity in the said College; and that after the first day of January one thousand eight hundred and fifty-four, there shall be no Professorship or Teachership of Law, or of any of the branches of Medicine or Surgery, except in so far as the same may form part of a general system of liberal Education.

Council to determine the branches of knowledge to be taught.

Proviso: as to Divinity, Law and Medicine.

XXXIII. The President and Vice President, Professors, Lecturers, Teachers, Officers and Servants of the said College shall be appointed by the Governor of this Province, after such examination, inquiry and report as he shall consider necessary, and shall hold office during his pleasure; Provided always, that the President, Professors, Lecturers and Teachers of the University of Toronto as now constituted, shall, until it be otherwise ordered by the Governor, be the President, Professors, Lecturers and Teachers of University College, excepting after the said first day of January one thousand eight hundred and fifty-four, those who may be Professors or Teachers of those subjects which are not under this Act to be taught in the said College.

President, Professors, &c. to be appointed by the Governor.

Proviso: as to present Professors, &c.

XXXIV. No religious test or profession of religious faith shall be required of any Professor, Lecturer, Teacher, Student, Officer or Servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination

No religious test, &c. to be required.

denomination be imposed on them or any of them ; but it shall be lawful for the Council to make such Regulations as they may think expedient touching the moral conduct of the Students and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

Professor-
ships, &c. may
be founded by
private parties
and how.

XXXV. It shall and may be lawful for any person or persons, body or bodies politic or corporate whomsoever, to found such and so many Professorships, Fellowships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards, in the said College, as they may think proper, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College, and thereupon suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid ; in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Fellowships, Lectureships, Scholarships, Prizes or other Rewards, as the respective Founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the authorities of the said College are hereby required to observe and give effect to, as in the said Letters Patent shall be directed : Provided always, that such endowment as aforesaid shall be vested in the Crown for the purposes for which it shall be given, as shall also any property real or personal, given, devised or bequeathed to the said College or for the use thereof ; And provided also, that no Professorship or Lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College.

Proviso.

Governor to be
Visitor.

XXXVI. The Governor of this Province shall be the Visitor of the said College on behalf of the Crown, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, and the proceedings of any Commission so appointed being confirmed by the Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever.

Council to
report annual-
ly to the
Governor.

XXXVII. It shall be the duty of the Council of the said College, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they may think proper to make ; and the said Council shall also, at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said College ; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be
laid before
Parliament.

XXXVIII.

XXXVIII. All terms kept or studies or exercises performed in the University of Toronto as now constituted, shall be valid and effectual, and shall be deemed to be terms kept, or studies or exercises performed in University College; and the Statutes and Regulations of the said University in force when this Act shall come into effect, shall remain in force and apply to University College, so far as they may be consistent with this Act, until repealed or altered by Statutes to be made under this Act.

Terms, &c. kept in the former University to avail to Students.

UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

XXXIX. The Corporation of "The Principal, Masters, and Scholars of Upper Canada College and Royal Grammar School," shall be dissolved and determined from the time this Act comes into force; and the said Institution and all the affairs and business thereof, shall be under the control, management and direction of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, subject to the provisions of this Act.

Present Corporation dissolved.

XL. The Governor of this Province shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor in Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate and all others whomsoever.

Governor to be Visitor.

XLI. The said Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, shall have full power and authority to make Statutes for the good government, conduct and regulation of the said College and Royal Grammar School and of the Principal, Masters, Pupils, Officers and Servants thereof, for regulating the fees to be paid by Pupils receiving instruction in the said College, and generally for the management of the business and affairs thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases in which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; and the said Chancellor, Vice-Chancellor and Senate, may by any such Statutes empower the Principal to make Regulations for the government of the Masters and Pupils, Officers and Servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such Statutes, and subject to such control or approval as may be therein mentioned; Provided always, that no Statute shall have force and effect until it shall have

Senate of University to make Statutes for the Government of this Institution.

Proviso: Statutes to

have no force until approved by the Governor.

been submitted to the Visitor of the said College and Royal Grammar School, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Principal, Masters, &c. how appointed.

XLII. There shall be in the College and Royal Grammar School, a Principal, and such Masters, Officers and Servants, as shall from time to time be directed by any Statute relating to the said Institution, approved as aforesaid, and the salary and emoluments attached to each such office, shall be from time to time fixed by Statute; and the said Principal, Masters, Officers and Servants shall be appointed by the Governor of this Province, and shall hold Office during his pleasure: Provided always, that until it shall be otherwise ordered by the Governor, the present Principal, Masters, Officers and Servants of the said Institution shall remain in Office, and until it be otherwise ordered by Statute, the Salaries and Emoluments attached to each Office shall be those now attached to the same respectively.

Present Statutes, &c. to remain in force until repealed.

XLIII. All Statutes, Rules and Ordinances of the said College and Royal Grammar School in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force, until repealed, altered or amended by some Statute to be hereafter enacted or made for that purpose.

No religious test, &c. to be required.

XLIV. No religious test or profession of religious faith shall be required of any Principal, Master, Pupil, Officer or Servant of the said College, nor shall religious observances according to the forms of any particular religious denomination, be imposed on them or any of them; but it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto by Statute to make such Regulations as they may think expedient touching the moral conduct of the Pupils and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

Certain regulations may be made.

Senate to make annual reports to the Governor.

XLV. It shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College and Royal Grammar School and upon all matters touching the same, with such suggestions as they may think proper to make; and also, at all times when thereunto required by the Governor to inquire into, examine and report upon any subject or matter connected with the said College and Royal Grammar School; and copies of such annual or other reports shall be laid before both

Copies to be laid before Parliament.

both Houses of the Provincial Parliament at the then next Session thereof.

ENDOWMENT AND PROPERTY.

XLVI. All the property and effects, real or personal, of what nature or kind soever, now belonging to or vested in the Corporation of the Chancellor, Masters and Scholars of the University of Toronto, or in the Corporation of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, or in any person or persons, body or bodies politic or corporate in trust for the said Corporations, or either of them, shall, from and after the coming into force of this Act, be and the same and every part thereof are hereby transferred to and vested in Her Majesty, Her Heirs and Successors, for the purposes of this Act, and shall, as shall also all Deeds, Titles, Accounts, Books, Maps, Plans, Documents and Writings belonging to or relating to the same, be forthwith delivered up by any person or persons, body or bodies politic or corporate having custody or possession thereof, to such person or persons, officer or officers, as the Governor of this Province shall appoint or authorize to receive the same; and every right, title, claim or demand of either of the said Corporations to any real or personal property, debt or sum of money, shall be and is hereby vested in the Crown, and any suit or proceeding for the recovery thereof may be brought or continued by and in the name of the Crown upon suggestion of the passing of this Act; and every debt due by or claim upon either of the said Corporations may be paid or satisfied by the Crown out of the property transferred as aforesaid; and all property, real or personal, which shall be hereafter given, devised or bequeathed to or for the use of either of the said Institutions, or to or for the use of any of the Institutions herein named and provided for, shall be vested in the Crown for the purposes of this Act.

All the property of the said Institution vested in the Crown for the purposes of this Act.

XLVII. The said property, real or personal, shall be managed and administered, under the orders of the Governor in Council, by an Officer to be appointed by Commission under the Great Seal of this Province, to hold his office during pleasure, and to be called the Bursar of the University and Colleges at Toronto; and the Salary of the said Bursar shall be fixed by the Governor in Council at such amount not exceeding Four Hundred Pounds currency per annum, as to him shall seem meet, and the said Bursar shall be allowed by the Governor in Council such assistance in his office as may be found necessary; and the said Bursar shall have a seal of office, and shall have such powers as shall from time to time be assigned to him by the Governor in Council, for the management and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or any moneys in any way arising therefrom, and shall account for

The said property to be managed by a Bursar under the direction of the Governor in Council.

Duties, &c. of Bursar.

for and pay over the same in such manner as the Governor shall from time to time direct, and shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which shall come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Governor in Council shall direct; and the said Bursar shall, as regards his obligation to account for and pay over all moneys coming into his hands as such, be deemed to be an Officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with accordingly; and the said Bursar shall make and transmit to the Governor, and at such time in each year as he shall appoint, an annual account of the property under his management and of his official receipts and expenditure; and a copy of each account shall be laid before each House of the Provincial Parliament at the then next Session thereof:

To transmit annual accounts to the Governor, to be laid before Parliament.

What such accounts must shew.

And each such Annual Account shall shew, among other things:

The number of acres of land originally granted for the endowment of the said University, or the said Upper Canada College and Royal Grammar School;

The number of acres sold, and at what rate: The total amount of sales,—the amount received on account thereof, and the amount due;

The amount of Capital invested, and the amount expended to the end of the preceding year;

The amount received, and a detailed account of the amount expended for the preceding year, in salaries, contingent expences and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings.

Provision for facilitating the transfer of property sold.

XLVIII. And in order to facilitate the transfer and conveyance of the property by this Act transferred to and vested in Her Majesty, it shall be lawful for the Governor from time to time to issue a Commission under the Great Seal of the Province, to the Bursar of the University and Colleges at Toronto aforesaid, authorizing the said Bursar under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and that all such transfers and conveyances may be made according to the form in the Schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes as effectually grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the

the like effect, as if the same had been directly granted by the Crown under the provisions of this Act : Provided that nothing herein contained shall be held to prevent the Crown from granting such lands directly : And provided further, that all such transfers and conveyances shall be registered in the Registry Office of the County in which the lands shall be situate, in like manner and subject to the same provisions of law as conveyances from and to private parties.

Proviso. 1
Provisc.

XLIX. The fees received for tuition, examination, degrees, certificates of honor or otherwise, in the said University, in University College, and in Upper Canada College and Royal Grammar School, or such part thereof as shall be payable into the general funds thereof, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest, and all other casual and periodical incomings, including any donations or subscriptions touching which it shall not be otherwise ordered by the Donors, shall be deemed Income for the purposes of this Act, and shall form the General Income Fund, and may be expended for the purposes and under the authority of this Act ; but the purchase money of any such property sold and the principal of any money invested shall be deemed permanent property, and shall not (except only in the case hereinafter provided for) be expended or diminished in any way, but shall remain as a Permanent Fund for the support of the said Institutions and the purposes of this Act.

General Income Fund constituted.

Permanent Fund.

L. That part of the said General Income fund which shall be derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, or from other property held for the use of, or from fees received in the said College and Grammar School and payable into the general funds thereof, shall be applied to defray the current expences of the said Institution only, and shall form the special Income Fund thereof, and shall be applied under the direction of the Governor in Council, to defray the current expences of the said College and Grammar School and those to be incurred in the management of the endowment and funds thereof and the maintenance and repairs of property assigned for its use, and the surplus, if any, after defraying all charges thereon, shall form part of the Permanent Fund aforesaid and shall be invested in such manner as the Governor in Council shall direct : and all moneys forming part of the said Permanent Fund and arising from such surplus as aforesaid or from property heretofore vested in the said Corporation, shall be permanently appropriated to the support of the said Upper Canada College and Royal Grammar School.

Income Fund of U. C. College and Grammar School.

Permanent Fund of the same.

LI. Out of the remainder of the General Income Fund, (which remainder shall be called the University Income Fund,) after

University Income Fund:

and charges payable out of it.

after paying the charges of management as hereinafter mentioned, it shall be lawful for the Governor in Council to appropriate yearly, such sum as shall be required to defray the current expenses of the said University of Toronto, including Scholarships, Rewards and Prizes authorized by the twenty-third and twenty-fourth Sections of this Act, and to defray the current expenses of University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University or College, and with power to the Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements.

In what manner and form appropriations out of the said Funds may be made.

LII. In making such appropriations for the current expenses of the said University, or of University College, or of Upper Canada Royal College and Grammar School, it shall be lawful for the Governor in Council either to direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or to place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid, and by which Statutes the said Senate or Council may place any sum or sums at the disposal of any Committee, or person or persons, to be applied by them or him according to the directions of such Statutes or in their discretion, to purposes to be therein named.

Allowance to present Professors who shall retire from office, on or before 1 July, 1853.

LIII. It shall be lawful for the Governor in Council, to cause to be paid out of the said University Income Fund, a sum not exceeding one year's Salary at the present rate, to each of those Professors in the now University of Toronto, who will not under the Thirty-third Section of this Act, be Professors in University College, and who shall resign their chairs as such Professors in the University of Toronto on or before the first day of July, one thousand eight hundred and fifty-three; such allowance to be payable at such time after the said first day of July as the Governor in Council shall appoint.

Surplus to be appropriated hereafter.

LIV. Any surplus of the said University Income Fund remaining at the end of any year after defraying the expenses payable out of the same, shall constitute a Fund to be from time to time appropriated by Parliament for Academical Education in Upper Canada.

Expenses of Bursar's office how paid.

LV. The expenses of the Bursar's office and the management of the property aforesaid, shall be paid out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Governor in Council shall from time to time determine what share thereof shall be paid out of that portion of the said Fund belonging to Upper Canada College and Royal Grammar School.

LVI. The Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College and of Upper Canada College and Royal Grammar School, respectively, such portions of the property hereby vested in the Crown, as may be necessary for the convenient accommodation and business of the said Institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution.

Portions of property to be assigned for use of the said Institution.

LVII. The Governor in Council may authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the Institution for the purposes of which the improvement or addition is made.

Governor in Council may authorize improvements.

LVIII. For all the purposes of this Act and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year.

Fiscal year.

SCHEDULE.

To all to whom these presents shall come :

Whereas A. B. of _____ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, under and by virtue of a Statute of this Province passed in the sixteenth year of the reign of Her Majesty, intituled, *An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof, and that of Upper Canada College*; And whereas under the provisions of the Statute aforesaid C. D. of _____, the Bursar of the University of and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness, that the said C. D. as such Bursar, under and by virtue of the said Commission and the said Statute, and in consideration of the sum of _____ paid therefor by the said A. B. hereby grants, transfers and conveys to the said A. B. his heirs and assigns for ever (or as the case may be) all that certain parcel or tract of land being Lot, &c. (as the case may be) which said land is bounded or may be known as follows, &c., (describe the land by its boundaries and insert any reservations, conditions or provisos.) In witness whereof the said C. D., as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this _____ day, &c.

Signed, sealed and delivered } C. D.
in presence of }

Bursar. [L. S.]
C A P .

C A P . X C .

An Act to repeal so much of the amended Assessment Act of Upper Canada, as requires the County Councils to meet on the first day of May in each year, to equalize the Assessments, and appointing another day instead thereof, for that purpose.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the time appointed by the amended Assessment Act of Upper Canada, for the meeting of the Municipal Council in each County, for the purpose of equalizing the valuation of real and personal estate on the Assessment Rolls, has been found inconvenient: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Assessment Law of Upper Canada*, as requires the Municipal Council of each County and Union of Counties, to meet on the first Monday in the month of May in each year, be and the same is hereby repealed.

Provision of
14 & 15 V. c.
110 repealed.

On what day
the County
Municipal
Councils shall
meet.

II. And be it enacted, That from and after the passing of this Act, the Municipal Council of each County and Union of Counties, shall meet on some day to be determined by the Warden of such County or Union of Counties before the first day of June next, and in case such day shall not be so appointed by the time aforesaid, then such County Municipality shall meet on the third Monday in the said month of June, for the purpose set forth in the said recited Act.

Duration of
Act.

III. And be it enacted, That this Act shall continue in force until the first day of January, one thousand eight hundred and fifty-four, and no longer.

CAP. XCI.

An Act to explain the Act to allow Notaries to call meetings of Relations and Friends, in certain cases, without being thereto specially authorized by a Judge, and for other purposes.

[Assented to 22nd April, 1853.]

WHEREAS serious inconvenience has arisen from the Preamble.

different interpretations which have been put upon the fourth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to allow Notaries to call meetings of Relations and Friends, in certain cases, without being thereto specially authorized by a Judge*, with regard to the power of the Judge or Judges of the Superior Court or of the Circuit Court for Lower Canada, to homologate or refuse to homologate, according to circumstances, the proceedings had before a Notary or Notaries for Lower Canada, under the Act above cited; And whereas it is expedient to remove all doubts and difficulties on the subject: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That for and notwithstanding any thing in the said Act, the Judges, or any one of the Judges of the Superior Court or of the Circuit Court for Lower Canada, have and has full power and authority to homologate or to refuse to homologate, as the case may require, all or any such proceedings had before Notaries for Lower Canada, under the Act above cited, and to do, make and grant such Acts, Orders and Appointments and in as full and ample a manner, as if the Relations and Friends had been present, and had personally given their opinion before such Judge or Judges upon the matter in question.

Act 14 & 15
V. c. 58, cited.

Judges of S.
Court have
power to
homologate or
to refuse to
homologate
proceedings,
&c.

CAP. XCII.

An Act relating to the Fisheries on the Labrador and North Shore of the Gulph of St. Lawrence.

[Assented to 22nd April, 1853.]

WHEREAS the Whale, Seal, Cod, Mackarel, Herring and Preamble.
other Fisheries in the Gulph of St. Lawrence, are of great importance to Her Majesty's subjects in this Province, several of whom concerned in those Fisheries have been of late years by strong hand prevented by persons residing on or frequenting the Labrador or North Shore of the said Gulph, from making
on

on the coasts thereof and islands contiguous thereto, although uninhabited and waste, the temporary buildings, Try Houses, Sheds, Stages, Flakes, and other erections necessary to the carrying on of those Fisheries, but who nevertheless, in the lawful pursuit of such Fisheries, have, as British Subjects, a right to land and construct such erections on the waste and unoccupied parts of the coast, not disturbing nor interfering with previous occupants, and are entitled as pursuing an important branch of public and national industry, to protection, and every facility which, without injury to planters and those permanently settled on the coast, the various localities on the said coast and islands contiguous thereto afford, and it therefore is expedient to declare and enact as hereinafter it is done : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That all and every Her Majesty's Subjects carrying on or concerned in the Whale, Seal, Cod and other Fisheries in the Gulph of St. Lawrence, shall peaceably have, use and enjoy the freedom of taking bait and of fishing in any and every River, Creek, Harbour or Road, with liberty to go on shore on any part or parts of the Labrador or North Shore of the Gulph of St. Lawrence, and upon any islands contiguous thereto, within the limits of the Province on the Gulph Shore or Labrador, for the purposes of the Whale and other Fisheries, and for salting, curing and drying fish there, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms and other purposes necessary for preparing their oil and fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever ; Provided that such River, Creek, Harbour or Road be navigable by boats and craft usually employed in the Fisheries, and as such not private property, and the land upon which such wood may be cut be unconceded by the Seigneur, or proprietor of the Seigniory within which the same is situated, or if conceded, remains unimproved or unoccupied at the time when such wood is cut for the aforesaid purposes.

All Her Majesty's Subjects to have certain privileges on the said Shore and in the said Gulf.

Proviso.

Masters of British Vessels may take possession of ground for certain purposes.

II. And be it enacted, That the Master and Commander of every Vessel fitted out from the United Kingdom of Great Britain and Ireland, or any of the dominions thereunto belonging, for the Whale, Cod or other Fisheries, may take possession of so much of the unconceded beach of any of the Islands of the said Labrador, or of any unoccupied beach on the mainland thereof, within the limits of the Province, as may be necessary for

for trying his blubber and rendering the same into oil, or for curing his fish and preparing it for exportation, and to retain and enjoy the same so long as he shall not leave it unoccupied for the space of twelve calendar months, in which case it shall be lawful for any other person or persons to take possession thereof in part, or the whole, for the same purposes, and on the same condition; provided that such beach be not private property, pursuant to a concession or title deed therefor from the Seignior, or proprietor of the Seigniory, to which the same may appertain or be held, by virtue of a location certificate from the Crown or title derived therefrom; Provided also, that such new occupier shall, when thereunto required by the preceding possessor or his lawful Attorney, such demand being made within one year after possession taken, pay him for such part of the Flakes and Stages, as such new occupier shall have taken possession of; And provided further, that the said preceding possessor not having been paid as aforesaid, may remove any building or other improvement erected or made by him on the unoccupied beach aforesaid, so that such removal be not made during and before the close of the fishing season, in which the new occupier shall have taken possession.

Proviso.

Proviso.

Proviso.

III. Provided always, and be it enacted, That nothing herein contained shall be construed or held in any wise to alter, prejudice or affect the rights of Her Majesty, Her Heirs or Successors, or of any body corporate or politic, person or persons whomsoever, other than those to whom this Act may relate.

Rights of Her Majesty, &c. not affected.

IV. And be it enacted, That this Act shall be in force until the first day of May, one thousand eight hundred and fifty-six, and no longer.

Duration of this Act.

C A P. X C I I I .

An Act supplementary to the Act to detach, for judicial purposes, the Settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska.

[Assented to 22nd April, 1853.]

WHEREAS by the Act of the present Session, intituled, *An Act to detach for judicial purposes the Settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska*, the said Settlements are detached and withdrawn from the jurisdiction of the Courts in and for the County and District of Gaspé and made to form for judicial purposes part of the District of Kamouraska, and they were intended to be thereby also placed but were not thereby placed within the jurisdiction of the Courts having cognizance of criminal matters in the aforesaid District of Kamouraska, as well as within the jurisdiction of the Civil Courts thereof, and it is necessary to supply the omissions

Preamble.

Act 16 V. c. 30, cited.

The effect of
the said Act
declared on
certain points.

omissions of the said Act in that behalf : Be it therefore enacted, by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the aforesaid Settlements of Sainte Anne-des-Monts and Cap-Chat having been by and in virtue of the above recited Act of this Session, detached, as to all judicial purposes, criminal as well as civil, from the District of Gaspé, (with the reserves and exceptions always in the said recited Act specified,) and annexed to the Judicial District of Kamouraska aforesaid, shall be subject and the same are hereby made subject to the jurisdiction of the Courts by law constituted for the cognizance and trial of criminal matters in the said District of Kamouraska, as well as to the jurisdiction of the Civil Courts in the said Act mentioned.

C A P . X C I V .

An Act to constitute a Provisional Municipal Council in the County of Essex, for certain purposes.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the Municipal Council of the United Counties of Essex and Lambton have by their Petition to the Legislature represented, that the Gaol and Court House of the said United Counties at Sandwich, in the County of Essex, as well as the County Grammar School at the same place and others of the public buildings in the said County, are and have been for a long time in a very insufficient and dilapidated condition, but that as the Town Reeves and Deputy Town-Reeves of the said County of Lambton have been formed into a Provisional Municipal Council for the said County, and a Court House and Gaol are now being built for the said County at Sarnia, the intended County Town thereof, with a view to the early separation of the said County from the County of Essex, the said Town Reeves and Deputy Town Reeves of the said County of Lambton, as Members of the Municipal Council of the said United Counties, are unwilling to join in passing any By-law taxing the inhabitants of the said United Counties (including those of Lambton) for the purpose of erecting buildings which would after a short period belong to the County of Essex alone, and that inasmuch as Essex is the Senior and not the Junior County of the said Union, no provision exists at present under which the inhabitants of Essex alone can be taxed for the purpose of raising the funds requisite for building a New Court House and Gaol, or for erecting or repairing any other public building which, after the dissolution of such Union, will benefit

benefit the inhabitants of Essex exclusively; And whereas the said Municipal Council have prayed that Legislative provision may be made to meet the case aforesaid, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Town Reeves and Deputy Town Reeves of the several Townships, Unions of Townships, Villages and Towns in the said County of Essex, shall be and they are hereby constituted a Provisional Municipal Council for the said County, and shall with respect to the said County and to the New Court House and Gaol and other buildings and works hereinafter mentioned, have, possess and exercise all and singular the rights, powers, privileges and duties conferred, granted or imposed upon Provisional Municipal Councils by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*: and the said Provisional Municipal Council shall have full power and authority so soon as they shall think fit so to do, to determine the site of a New Court House and a New Gaol at Sandwich, and to purchase the property (if any) necessary therefor, and to erect the necessary buildings thereon, and also to repair thoroughly or if they think proper to rebuild, the County Grammar School, and to repair, renew or erect any public buildings which they shall deem necessary for the exclusive use of the said County after its intended separation from the County of Lambton, and to raise by assessment on the assessable property real and personal in the said County of Essex, the sums necessary for the purposes aforesaid, in like manner as the Provisional Council of any Junior County may raise money for building a Court House and Gaol therein.

A Provisional Council constituted for the County of Essex.

12 V. c. 78.

Powers of the said Provisional Council.

C A P . X C V .

Act to authorize the City of Hamilton to negotiate a loan of Fifty Thousand Pounds to consolidate the City Debt, and for other purposes.

[Assented to 22nd April, 1853.]

WHEREAS the Corporation of the City of Hamilton have petitioned to be authorized by law to borrow on the Debentures of the said City, a sum not exceeding Fifty Thousand Pounds, for certain purposes and under certain restrictions

Preamble.

restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Hamilton, to raise by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of Fifty Thousand Pounds of lawful money of Canada.

Corporation may raise £50,000 on Debentures.

Debentures to be issued under the corporate seal.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Hamilton for the time being, to cause to be issued Debentures of the said City, under the Corporation seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of Fifty Thousand Pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said Debentures, and the interest accruing thereon, shall be made payable either in this Province, in Great Britain, or elsewhere, as the said Common Council shall deem expedient or necessary.

Applications of certain portions of the money raised.

III. And be it enacted, That so much of the said Loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the said the Mayor, Aldermen and Commonalty of the said City of Hamilton, in the payment of the Debt due on the Market Ground, amounting to about Seven Thousand Five Hundred Pounds; on the Central School, amounting to about Seven Thousand Five Hundred Pounds; and to the Gore Bank, amounting to about Five Thousand Pounds; and the remainder of the said Loan shall be applied in aid of any public improvements now or hereafter to be erected or constructed in the said City.

Remainder to any public purpose.

Sinking Fund of two per cent. per annum, to be provided.

IV. And be it enacted, That for the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Hamilton, and they are hereby required so to do, in any By-law or By-laws to be passed authorizing the said Loans or either of them and the issuing of the Debentures therefor, to impose a special rate per annum over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such Debentures, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

V. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Hamilton, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in this Act, either in the Debentures provided for by this Act or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and apply all dividends or interest on the said Sinking Fund to the extinction of the debts created by this Act.

Investment and application of Sinking Fund.

VI. And be it enacted, That any By-law to be passed under this Act shall not be repealed until the Debt or Debts created by this Act and interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth Section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

By-law not to be repealed so long as any debt under it shall remain unpaid, &c.

VII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Hamilton, if they should deem it for the interests of the said City, to raise by way of Loan upon the credit of Debentures similar to those hereinbefore mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a further sum of money not exceeding the sum of Fifty Thousand Pounds of lawful money of Canada, and which last mentioned sum of money shall be applied in payment of two thousand Shares of the Capital Stock of the Great Western Railroad Company, lately purchased by the said City of Hamilton; and the Chamberlain of the said City is hereby authorized and empowered, on receiving instructions so to do from the said Common Council, and with the consent of the holders thereof, to call in such Debentures of the City of Hamilton as may have heretofore been issued under any By-law of the Common Council of the said City, and taken in payment of such Stock, and to substitute therefor so much of the funds received on account of the Debentures to be issued under this Section, as may be necessary for that purpose.

Corporation may in like manner, raise a further sum not exceeding £50,000, to pay for 2000 shares in the Great Western Railway Company.

Debentures under this Act may be substituted for those heretofore issued in payment of the said Stock.

VIII. And be it enacted, That for and notwithstanding any provision, clause, matter or thing, contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Hamilton, after having called in the Debentures described in the next preceding Section, to repeal the By-law of the said Council passed on the twenty-ninth day of August, one thousand eight hundred and fifty, authorizing the levy of a special rate for the purpose of paying and satisfying certain Debentures issued or to be issued, in favor of the said Great Western Railroad Company, or payment of the said Stock.

A certain By-law may be repealed, when the Debentures last mentioned are called in.

IX. And be it enacted, That the funds derived from the negotiation of the Debentures to be issued under this Act, shall, when received,

Moneys raised under this Act

where to be deposited, &c.

received, be deposited by the Chamberlain of the said City for the time being, in some one or more of the Chartered Banks of this Province, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment of the Debentures, debts and liabilities mentioned in this Act, and to discharge the liabilities that may be incurred in carrying out the improvements contemplated by this Act.

Public Act.

X. And be it enacted, That this Act shall be a Public Act.

C A P . X C V I .

An Act to separate the Township of Georgina from the County of Ontario, and annex it to the County of York.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the inhabitants of the Township of Georgina, in the County of Ontario, have by their petition and by the petition of their Municipality, prayed that the said Township may be disunited from the said County, and may be annexed to the County of York, and it is right and expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Township of Georgina, in the County of Ontario, shall be disunited from the said County, and shall be annexed to and form part of the County of York for all purposes whatsoever.

Township of Georgina annexed to County of York.

Recital.

II. And whereas the Provisional Municipal Council of the said County of Ontario, has, for the erection of County buildings, contracted a debt the greater part of which is yet unpaid; And whereas the said Township of Georgina has not been and will not in anywise be benefited by the erection of the said County buildings : Be it therefore enacted, That no part of the said debt shall be charged upon the said Township of Georgina, nor on the said County of York, but shall be wholly borne by the said County of Ontario ; any law to the contrary notwithstanding.

A certain debt to be borne wholly by the County of Ontario.

C A P . X C V I I .

An Act to authorize the Municipal Council of the Town of Amherstburg, to sell the Site of the old Market in that Town.

[Assented to 22nd April, 1853.]

WHEREAS by Letters Patent, under the Great Seal of the Province of Upper Canada bearing date the thirteenth day of June, in that year of our Lord one thousand eight hundred and twenty-two, all the parcel or tract of land situate in the Town of Amherstburg, in the County of Essex, containing by admeasurement, twelve thousand three hundred and seventy-five square feet, be the same more or less, and in the said Letters Patent described as being Lot number seven, formerly twenty-two, on the west side of Dalhousie Street in the said Town, and which parcel or tract of land is butted and bounded, or may be otherwise known as follows, that is to say: commencing on the west side of Dalhousie Street, in the limit between Lots numbers six and seven, and at the south-east angle of the said Lot number seven, then north nineteen degrees thirty minutes west, eighty-two and a half feet, to an alley twenty feet wide, between Lots numbers seven and eight, then north seventy degrees thirty minutes west, one hundred and fifty feet, more or less, to the River Detroit, then southerly along the water's edge to the limits between Lots numbers seven and six, then north twenty degrees thirty minutes east, one hundred and sixty feet, more or less, to the place of beginning,—was conveyed to certain persons in the said Letters Patent named, to hold in trust for the inhabitants of the said Town, as a Site for a Market-place, and to permit the Justices of the Peace for the then Western District, to erect thereon suitable buildings for a Market for the convenience of the inhabitants of the said Town, and in which Letters Patent it was further provided, that if the said parcel of land should be converted to the private use or advantage of the said Trustees, or become charged or chargeable with any debt or other incumbrance of the said Trustees, or if they should hinder or prevent the said Trusts being carried into effect, then those presents should cease and determine: And whereas by the said Letters Patent, and a certain Act of the Parliament of the late Province of Upper Canada, passed in the first year of the Reign of his late Majesty King William the Fourth, and chaptered three, the present Market in the said Town was duly established upon the said tract of land, which tract of land remained vested in the said Trustees or the survivors of them, upon the Trusts aforesaid, until the Municipal Corporations Act of one thousand eight hundred and forty-nine, came into operation, by the one hundred and thirty-eighth Section of which it is enacted, That the places then already established as Markets or Market-places in the several Villages and Towns in Upper Canada, shall remain Markets and Market-places until otherwise directed

Preamble.

Recital.

by competent authority, and that all Market reservations or appropriations which at the time the said Act should come into force, were vested in the Municipal authority of such Village or Town, or in Trustees for their use and benefit, shall be and they are thereby vested in the Municipal Corporation of such Village or Town, erected under the said Act: And whereas the site of the Market is found to be inconvenient to the great majority of the inhabitants of the said Town, who have petitioned the Municipal Council of the said Town to sell or otherwise dispose of the said tract of land, and purchase another and erect a Market thereon, in a more central position, which the said Council are desirous of doing, but doubts have arisen whether the Municipality of the said Town have the necessary powers in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said tract or parcel of land hereinbefore particularly described, shall be and the same is hereby vested in the Municipality of the Town of Amherstburg, in fee simple, and free from all the trusts and provisions expressed in the said Letters Patent, and from all other trusts whatsoever; and it shall be lawful for the Municipality of the Town of Amherstburg aforesaid, and they are hereby authorized and empowered absolutely to grant, bargain, sell, lease or convey the said tract or parcel of land, or any part thereof, and all buildings thereon, in fee simple, for life, term of years or otherwise, as to the said Municipality may seem fit.

The tract of land in question vested in the Municipality of the Town, with full power to alienate it.

To what purpose the proceeds of the sale shall be applied.

II. That the Municipality of the Town of Amherstburg aforesaid, shall and may, and they are hereby required to apply the proceeds arising from any such sale, lease or conveyance as aforesaid, or such portion thereof as may be required therefor, to the purchase of the land required for a site for a Market for the said Town, and to the erection of the necessary buildings thereon, and the completion of all improvements connected therewith.

A certain lane to remain open.

III. That the lane or road now existing between the land, buildings and property of Thomas Park, Esquire, and the said tract, site and Market, shall always remain and be open as it now is, and shall not be stopped up without the consent of the said Thomas Park, his heirs and assigns.

Public Act.

IV. That this Act shall be a Public Act.

C A P . X C V I I I .

An Act to transfer the place of meeting of the Municipal Council of the Municipality of Drummond, Number Two, to the Village of St. Christophe d'Arthabaska, in the said Municipality.

[Assented to 22nd April, 1853.]

WHEREAS the place of meeting of the Municipal Council of the Municipality of Drummond, Number Two, was, by an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to transfer the place of holding the meetings of the Municipal Council of the Municipality of Drummond, Number Two, from 'French Village' in the Township of Kingsley, to the Village of Stanfold in the said Municipality,* fixed at the said village of Stanfold, and it is expedient, for the general convenience of the population of the said Municipality, to transfer the place of meeting of the said Municipal Council, to a more central position; And whereas the village of St. Christophe d'Arthabaska, in the said county of Drummond, is more central and more conveniently situated for the majority of the inhabitants of the said Municipality: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That on, from and after the Tenth day of May next, the place of meeting of the Municipal Council of the said Municipality, shall be the said village of St. Christophe d'Arthabaska, instead of the said village of Stanfold.

Preamble.

14 & 15 V. c. 28, cited.

Seat of Municipality transferred to St. Christophe.

C A P . X C I X .

An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.

[Assented to 22nd April, 1853.]

WHEREAS the Great Western Railroad Company have applied for an increase of the Capital Stock of that Company, and it is expedient and necessary the same should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled,

Preamble.

An

Company may increase their Capital by £500,000.

Subscription Stock Book to be open for a certain time.

Notice.

Five per cent to be paid down.

Shares remaining un-subscribed for, how to be disposed of.

The Company declared to have and to have had power to borrow money, pledge their lands, tolls, &c.

Proviso.

An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That the Great Western Railroad Company are hereby authorized to increase their Capital Stock to an amount not exceeding Five Hundred Thousand Pounds of lawful money of this Province, by creating an additional number of shares not exceeding twenty thousand, of Twenty-five Pounds each, and that the said Company shall cause a Stock Book for the subscriptions of parties desirous of becoming Stockholders or subscribers for such additional shares, to be opened at the office of the Agency of the Bank of Upper Canada, in the City of Hamilton, within fifteen days after the passing of this Act, and such Book shall remain open for the space of one week, and that public notice thereof shall be given in two Newspapers published in the said City, containing the place and the day and hour of the opening and closing of the same; and that the persons so subscribing for such additional shares shall pay five per cent. on the amount subscribed, and immediately after the payment of such per centage, they shall thereupon be entitled to vote on all occasions in proportion to the number of shares held by them, any thing in any Act relating to the said Company to the contrary notwithstanding, and shall have all the other privileges of the Shareholders in the said Company, and that all future calls shall be made in the usual manner.

II. And be it enacted, That all or so many of the said additional shares as shall remain unsubscribed for after the closing of the said Stock Book, shall be disposed of in such manner as the Board of Directors of the said Great Western Railroad Company shall deem expedient.

III. And for the avoidance of doubt—Be it declared and enacted, That the said Company have had and shall have power and authority to borrow money from time to time for making, completing, maintaining and working the said Railroad as they might or may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof, and might and may make the Bonds or Debentures issued by them for securing the repayment of any sums so borrowed or to be borrowed convertible into Stock of the said Company, on the terms and conditions expressed or to be expressed in such Bonds or Debentures, or in the By-laws of the Company, and might and may insert in any Bonds or Debentures issued or to be issued by them such terms and conditions of any kind whatsoever as they might or may think most for the advantage of the said Company: Provided the same be not inconsistent with the laws of this Province, or with the express provisions of the Act incorporating the Company or of the Acts amending the same.

IV. And be it enacted, That it shall and may be lawful for the said Company in the construction of their said Railway or of any branches therefrom or thereto, to take, hold, use and occupy all such land or ground with the privileges which appertain thereto and which may be found necessary for the same, in, along, upon and across any navigable stream, lake, river, or waters whatsoever, and for the uses of such Railway, to use, occupy and take possession of the shores or banks thereof and any easement thereto being of a public or private nature or character : Provided always, that the free and uninterrupted navigation of the said streams, lakes, rivers or other waters so used, for all boats, ships and vessels passing and repassing the same shall not be interfered with by the said Railway, and also that the owner or owners, occupier or occupiers of any lands, grounds or private privileges so taken, shall be compensated therefor as is provided by this Act and the several Acts incorporating said Company and amendments thereto.

Powers and restrictions as regards navigable waters.

Proviso: navigation not to be impeded.

V. And be it enacted, That for and notwithstanding any thing in any Act of the Parliament of this Province or of the late Province of Upper Canada, incorporating the said Great Western Railroad Company or amending the same, in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any land or ground or privileges appertaining thereto, which may have been taken by the said Company or which shall hereafter be taken or required by the said Company for the uses or conveniences of their Road, as to the value of the land or ground so taken and the privileges appertaining and damages done thereto, it shall and may be lawful for the said Company and they are hereby empowered to tender to such owner or occupier of such land or ground and privileges as aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just ; and in case an arbitration or suit be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered, and no greater sum be awarded or allowed to such owner or occupier, by the Arbitrators appointed to settle or a Jury empanelled to try the same, than the amount of compensation so tendered, then the said owner or occupier of such land, ground or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such Arbitrators or Jury than the amount so tendered, then the Company shall pay all costs and charges attending such arbitration or suit, and also such additional sum as may be so awarded or allowed by such Arbitrators or Jury, for the land, or ground damages, or privileges so taken by the said Company.

Company may tender compensation for lands, &c. taken by them.

Costs to fall on the opposite party if there be an arbitration, and the award be for no greater sum than the compensation tendered.

VI. And be it enacted, That the said Company shall, as soon as may be after making such tender (if the same be not accepted) pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law for Upper Canada,

After tender and payment into Court, if tender be refused, Com-

pany may
take posses-
sion.

Warrant if
resistance be
made.

Canada, for the use of the owner or occupier of such land or ground or such party as may be entitled by law to receive the same ; and immediately upon the sum so tendered being deposited with the Officer of such Court, it shall and may be lawful for the said Company and they are hereby authorized and empowered forthwith to take possession of the said land or ground, and to hold the same for the uses for which they may require the same ; and if any resistance or forcible opposition shall be made by any person to their so doing, it shall and may be lawful for the Judge of any of Her Majesty's County Courts in Upper Canada, on proof to his satisfaction of such tender being made and the compensation money deposited as aforesaid, and that immediate possession of the land is required by the said Company, to issue his Warrant to the Sheriff of the County or United Counties in which the land in question is situate, or to a Bailiff as he may deem most suitable, to put the said Company in possession, and to put down such resistance.

Claims on the
lands con-
verted into
claims on the
compensation.

If the Com-
pany fear in-
cumbrances,
they may pay
the monee into
Court.

Notice to
claimants.

VII. And be it enacted, That whenever any sum or sums of money shall be agreed upon or awarded to be paid by the said Company, for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railroad, the sum so agreed upon or awarded shall be the compensation to be paid by them for the said land, and shall stand in the stead of such land; and any claim to or incumbrance upon the said land, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party : Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation, or any part thereof shall be payable, shall refuse to execute the proper conveyance and warranty, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned ; and a notice, in such form and for such time as the said Court shall appoint, shall be inserted in some newspaper, (if there be any) published in the County in which the land is situate, which shall state that the title of the Company, that is, the conveyance, agreement, or award, is made under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof ; and all such

claims

claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice and according to the provisions of this Act and to law shall appertain; and the costs of the proceedings, or any part thereof, shall be paid by the Company or by any other party, as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

Court to distribute the money among the claimants.

Interest.

VIII. And be it enacted, That from and after the passing of this Act, in case the Arbitrators who may or shall have been chosen and appointed by the said Company, and the owner or occupier of land or ground taken by them for the uses of their Road, to assess the value of such land and damages thereto, cannot agree at their first meeting upon a third or fifth Arbitrator as the case may require, to act with them the said arbitrators for the purposes for which they shall have been appointed, it shall and may be lawful for the Judge of the County Court of the County in which such lands so taken or required are situate, to nominate and appoint a third or fifth Arbitrator, as the case may require, which Arbitrator so named by such Judge shall have, possess and be vested with all the powers, authority and privileges of an Arbitrator, and to the same extent as if he had been elected and chosen by such Arbitrators appointed by such Company and the proprietor, owner or occupier of such land.

The third or fifth Arbitrator may be appointed by a County Judge in certain cases.

IX. And be it declared and enacted, That the said Company have and shall have power from time to time and at all times, to take, transport, carry and convey persons and goods on their Railway, and also to fix, establish and regulate by By-law or otherwise (which By-laws the Board of Directors of said Company for the time being shall have power to make, alter and repeal) the tolls which shall and may be demanded and received for all passengers and goods transported upon the said Railway, or in any Steam Vessels belonging to the said Railway, and which shall be paid to such person and at such places near the Railway, in such manner and under such regulations as the By-law or By-laws shall direct; and in case of denial or neglect of payment of any such tolls or any part thereof on demand to such person, the same may be sued for and recovered in any competent Court, or the Agent or Servants of the Company may and they are hereby

Power to fix Tolls and enforce payment thereof.

Sale of articles on which Tolls shall be unpaid.

Notice.

Surplus.

Proviso.

Suits for indemnity to be commenced within a certain time.

Fines and penalties how levied and enforced.

hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof, and if the said tolls shall not be paid within six weeks from the time of seizure, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus if any, of the money realised from such sale or such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain in possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell such goods by Public Auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months to be paid over to any party entitled thereto, and in default of such balance being claimed before the expiration of the period next aforesaid, the same shall be paid over to the Receiver General; to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto; and all or any of the said tolls may by any By-law be lowered and reduced and again raised as often as it shall be deemed necessary for the interest of the undertaking; Provided that the same tolls shall be payable at the same time and under the same circumstances, upon all goods and persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-laws relating to the tolls.

X. And be it enacted, That all suits for indemnity for any damage or injury sustained by any person or persons whomsoever, by reason of the said Railway, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease; and not afterwards; and the Defendants may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act, and the several Acts relating to the said Company.

XI. And be it enacted, That all fines and forfeitures imposed by this Act or which shall be lawfully imposed by any By-law of the said Great Western Railroad Company, the levying and receiving of which are not particularly herein or in any other

Act

Act relating to the said Company directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the County or place where the act occurred, either by confession of the parties or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattels by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties the application whereof is not by this or any other Act particularly directed, shall be paid into the hands of the Treasurer of the said Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and receiving thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalties and expenses, the offender shall be sent to the Common Gaol of the County in which he shall have been convicted, there to remain without bail or main-prize for such time, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied, but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County; and all contraventions of this Act or of the Act incorporating the said Great Western Railroad Company, or any Act amending the same, by any party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act, or other Acts applicable to them, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

Distress and sale.

Overplus.

Imprisonment for want of sufficient distress.

Offences for which no punishment is provided, to be misdemeanors.

XII. And be it enacted, That the said Company shall have power and are hereby authorized, to remove and put out of the cars, by the Conductor of the train, and also the servants of the Company, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the Conductor shall elect for stopping the train, all or any passenger or passengers refusing to pay his or their fare; and any person in charge of a locomotive engine, or acting as the Conductor of a car or train of cars, who shall be intoxicated on the Railway, shall be deemed guilty of a misdemeanor.

Removing persons who will not pay their fare.

XIII. And be it enacted, That the style, title and name of "The Great Western Railroad Company," shall from the passing of this Act, be "The Great Western Railway Company:" Provided always, and it is hereby declared and enacted, That neither the change made by this Act in the name of the said Company

Name of Company changed.

Proviso.

Company

Company, nor any thing else herein contained, shall be construed to make the said Company a new Company or new Corporation, so as to cause any action, suit, contract or proceeding to which the said Company may be a party, to abate or cease, but the same may upon suggestion of the passing of this Act, be continued by or against the said Company by the name hereby assigned to it.

Certain sections of this Act incorporated with 16 V. c. 44, and with the Act incorporating the London and Port Sarnia Railway Company.

XIV. And be it enacted, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth Sections of this Act shall apply to the Hamilton and Toronto Railway Company, and shall be and the same are hereby incorporated with the Act passed in the present Session, and intituled, *An Act to incorporate the Hamilton and Toronto Railway Company*, and that the third, fourth, ninth, tenth, eleventh and twelfth sections of this Act shall apply to the London and Port Sarnia Railway Company, and shall be and the same are hereby incorporated with the Act passed in the present Session and intituled, *An Act to incorporate the London and Port Sarnia Railway Company*, and the said Sections shall form part of the Acts with which they are respectively so incorporated.

Public Act.

XV. And be it enacted, That this Act shall be a Public Act.

C A P . C .

An Act to authorize the formation of a Company to construct a Railroad on the North Shore of the River Saint Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the Western Cities of this Province.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the construction of a Railway connecting the extremities of the Province must greatly conduce to promote the welfare and interests of its inhabitants, and it is therefore desirable that a Railway should be constructed to connect the City of Quebec in as direct a line as possible with the Railway projected to run westward from the City of Montreal, and thus to connect the latter by a direct and advantageous line with the intended Railway from Quebec to the eastern limits of the Province; And whereas such a line, passing through a most populous and important section of the Country, may be found on the North Shore of the river Saint Lawrence: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the

the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Mayor and Councillors of the City of Quebec may cause books to be opened at any time after the passing of this Act, to receive the subscriptions of such persons, corporations or other parties, as may be desirous to take shares in the Stock of a Company for constructing the Railway referred to in the Preamble to this Act, and may keep such books open at the office of the said Corporation for such time as may be necessary: And at any time after One Hundred and Twenty-five Thousand Pounds of the said Stock shall have been subscribed for, by not less than thirty distinct parties, the said Corporation may by a notice to be published at least three times in the English and French languages in some three or more of the public newspapers published in the said City of Quebec, call a general meeting of the subscribers, to be held at such place in the said City as shall be appointed by the said notice, and that at such meeting the Mayor of the said city, or in his absence any one of the Members of the City Council, may preside, and the City Clerk shall act as Secretary; and at such meeting the majority of the subscribers present thereat may elect from among the persons having each subscribed for Stock of the intended Company to the amount of One Hundred Pounds or upwards, nine persons to be the first Directors of the intended Company: Provided always, that if, at the first meeting so called, nine Directors should not be elected as aforesaid, then another meeting may be called, in the manner aforesaid, by the Mayor and Councillors of the said City, giving notice thereof in the manner prescribed with regard to the first meeting; and so *toties quoties* until a meeting be effectively held and nine Directors elected thereat.

Corporation of Quebec may cause Books of subscription to be opened, &c.

And call a General Meeting for the Election of Directors, when £125,000 is subscribed.

Proviso: if the Meeting should fail to be held, &c.

II. And be it enacted, That so soon as may be after the election of Directors as aforesaid, the said City Council shall certify to the Secretary of this Province for the information of the Governor, and under their Corporate Seal, 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 book aforesaid, shewing the number and names of the subscribers, and the actual *bonâ fide* amount of their respective subscriptions, and an affidavit or solemn affirmation of the said City Clerk, that the said copy is a faithful and correct transcript from the original books in the possession of the City Council; and if it shall appear by the documents aforesaid that an amount not less than One Hundred and Twenty-five Thousand Pounds of the said Stock has actually been subscribed for *bonâ fide*, and if the said Council shall, with the documents aforesaid, transmit also to the said Secretary the certificate of the Cashier of some chartered Bank in this Province, of the deposit therein of a sum equal to ten

On certain Documents being transmitted to the Provincial Secretary, he shall give a certificate which shall operate the incorporation of the Company under this Act.

per

per cent upon the amount of subscriptions, with authority to the said Secretary to control the withdrawal of the said deposit for such time as the said Secretary may think proper, not longer than six months after the Railway shall have been actually commenced and proceeded with, then the said Secretary is hereby required forthwith to deliver to the Mayor and Councillors of the City of Quebec, a certificate that all the requirements of this section have been complied with ; And upon and after the granting of the said certificate, the subscribers to the Stock of the intended Company, and such persons and parties as shall thereafter become subscribers to the same, their several and respective heirs, executors, administrators, curators and assigns, proprietors of Stock in the said undertaking, shall be, by virtue of this Act, one Body Corporate and Politic, by the name of "The North Shore Railway Company," and the Directors elected as aforesaid shall be the first Directors of the said Company, and the said Company shall be thereafter, by virtue of this Act, authorized and empowered by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called "The North Shore Railway," from any point within the limits of the said City of Quebec to any point within the City of Montreal, or to carry such Railway by a line in the rear of the City last named to any point in the County of Montreal beyond or to the westward of the said City, and there, if they deem it expedient, to connect it with any Railway to be constructed from the said City to or towards the City of Kingston or to or towards the Town of Bytown: Provided always, that a copy of the certificate granted as aforesaid by the Secretary of this Province, shall by the said Company be published in the *Canada Gazette* within twenty days after it shall have been granted by the said Secretary ; but such certificate shall remain in the custody of the Mayor and Councillors of the City of Quebec, and any copy thereof, certified by the Clerk of the said City as correct, and bearing the Seal of the Corporation, shall be evidence of such certificate and of the facts therein alleged, and of the incorporation of the said Company by virtue of this Act ; and the original books of subscription shall be delivered up by the said Mayor and Councillors of the City of Quebec to the Directors of the said Company, to be by them kept open for further subscriptions (if necessary) as hereinafter mentioned.

Corporate name and powers.

Line of Railway.

Proviso: Copies of Secretary's Certificate duly certified, to be evidence.

Proviso: Corporations of Quebec and Montreal may regulate the use of the Railway within the said Cities.

III. Provided always, and be it enacted, That the said Railway shall not be brought within the limits of the City of Quebec, or of the City of Montreal, without the permission of the Corporation of such City, expressed by a By-law, and by any such By-law provision may be made as to how far the Railway may be brought within the limits of the City, and how far within the same locomotive engines shall be allowed to run, and generally as to the mode in which the Railway shall be located and constructed or worked within such City, so as to guard the inhabitants thereof, and their property, from injury

injury from the location or construction thereof or the mode of working or using the same; and any such By-law shall bind the Company and the Corporation; but shall not be afterwards repealed or altered without the consent of the Company.

IV. And be it enacted, That the several clauses of "The Railway Clauses Consolidation Act," passed during the Session held in the fourteenth and fifteenth years of Her Majesty's Reign; with respect to the first, second, third and fourth clauses thereof; and also the several clauses of the said Act with respect to the "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used therein, shall be understood to include the clauses so incorporated with it.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

V. And be it enacted, That the guage of the said Railway shall not be broader or narrower than five feet six inches.

Guage.

VI. And to the end that the said Company may be enabled to carry on so useful an undertaking—Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Railway; and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; and if the whole Stock be not subscribed before their election, the Directors of the said Company shall cause the Books of Subscription opened as aforesaid, to remain open at some place in the City of Quebec, and other Books to be opened elsewhere, within or without this Province, at such places as they may appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, until the whole Stock shall have been subscribed for; and for this purpose they shall be held and bound to give public notice in the *Canada Gazette*, and such other newspaper or newspapers as they or a majority of them shall think proper, of the time and places at which such Books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person, corporation, community or party, who shall write or authorize any person to write his or her signature, or corporate or collective name, in such Book or in any Book of Subscription opened by the Mayor and Councillors of the City of Quebec, as a Subscriber to the said undertaking, shall thereby become

Directors to cause Books of subscription to remain open if necessary.

a Member of the said Company, and shall have the same rights and liabilities as such as are hereby conferred on the Members of the said Company, nor shall it be necessary that the Subscription of any Corporation to the Stock be under its common seal: Provided always, that any person, corporation or party, who before the passing of this Act has or shall have subscribed or authorized any person to subscribe his or her name, or the corporate name of such Corporation, for any amount of Stock in any Stock Book of the then intended Company to construct a Railway on the North Shore of the River Saint Lawrence, between the City of Quebec and the City of Montreal, or such other place in the rear thereof as might be found practicable, to be called "The North Shore Railroad," subject to the provisions of the Railway Clauses Consolidation Act, and of a Special Act to be obtained by the Company from the Legislature of this Province, shall be deemed to have subscribed for a like amount of Stock of the Company hereby incorporated, and shall have all the rights and be subject to all the liabilities which they would have or be liable to if they had subscribed for a like amount of Stock under the provisions of this Act.

Proviso: persons who subscribed for Shares in the Railway when projected originally, to be liable as subscribers under this Act.

Capital Stock: and its application.

VII. And be it enacted, That the sum so to be raised or subscribed shall constitute the capital stock of the said Company, and shall not exceed in the whole the sum of Six Hundred Thousand Pounds currency, and the money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment of all disbursements for making the surveys, plans and estimates incident to the said Railway, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Amount of each Share.

VIII. And be it enacted, That the said sum of Six Hundred Thousand Pounds shall be divided and distinguished into ninety-six thousand equal parts or shares of Six Pounds Five Shillings currency each, and that such shares shall be deemed personal estate, and shall be transferred as such; and that the said ninety-six thousand shares shall be and are hereby vested in the said several subscribers, and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Six Pounds Five Shillings, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Railway, shall be entitled to and receive, after the said Railway shall be completed, the entire and net distribution of the profits and advantages that shall

To be personal property.

Executors, &c. paying of shares, indemnified.

Rights of Shareholders.

shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one ninety-six thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

IX. And be it enacted, That in case the said sum of Six Hundred Thousand Pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute among themselves, by subscription in books to be opened by the Directors for that purpose, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing the said intended Railway, and its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of Four Hundred Thousand Pounds currency aforesaid; and every subscriber towards raising such further or other sum of money, shall be a Shareholder in the said undertaking, and have a like vote by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as part of the said first sum of Six Hundred Thousand Pounds; any thing herein contained to the contrary notwithstanding.

Increase of
Capital Stock
provided for.

X. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be equal to the number of shares held by him: Provided always, that no one Shareholder as aforesaid shall have more than five hundred votes.

Votes in proportion to
Shares.

Proviso.

XI. And be it enacted, That in the month of June in each year, an Annual General Meeting of the said Shareholders shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any eleven or more of such Shareholders, holding together two thousand shares at least, that for more effectually putting this Act into execution, a Special meeting of Shareholders is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice, at least, to be given thereof in the *Canada Gazette*, and in any other newspaper in each of

Annual General Meeting.

Special Meetings, how called, &c.

the Cities of Quebec and Montreal, or in such manner as the Shareholders shall by a By-law passed at any General Meeting, direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings: Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person named a Director to manage the affairs of the said Company in manner aforesaid, to choose and appoint another or others, in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

Proviso: for filling vacancies in the direction.

Number and Order of retirement of Directors.

XII. And be it enacted, That the number of Directors of the said Company shall be nine, and at the said Annual Meeting three of the said nine Directors shall annually retire in rotation, the retirement of the said first elected nine Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect except the Shareholders at such General Meeting proceed to fill up the vacancies thus occurring in the direction.

Proviso.

Quorum of Directors.

XIII. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company.

Qualification of Directors.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be Directors of the said Company, shall be twenty shares of Six Pounds Five Shillings currency each, of the Capital Stock.

Appointment of Auditors.

XV. And be it enacted, That every such annual general meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking, and for that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

XVI.

XVI. And be it enacted, That no call of money from the Shareholders shall exceed the sum of Twelve Shillings and Six Pence per share of Six Pounds Five Shillings. Calls limited.

XVII. And be it enacted, That in all actions or suits at law, by or against the Company, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness, either for or against the Company, unless he be incompetent otherwise than as a Shareholder. Evidence in suits by or against the Company in L. C.

XVIII. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said Writ, to make the Declaration in such case by Law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada, as the Declaration of the Company; and in causes where interrogatories *sur faits et articles* or *serment décisoire*, may have been or may hereafter be served upon the Company, the Directors shall have the power by a Vote or Resolution entered among the minutes of the proceedings of any meeting, to authorize the President or Treasurer to appear in any cause to answer such interrogatories; and the answers of the President or Treasurer, so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities, by law required, had been complied with; and the production of a copy of such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization. As to Writs of *Saisie-Arrêt*, order for *Faits et Articles*, &c. served on the Company.

XIX. And be it enacted, That it shall and may be lawful for the Company to take and appropriate for the use of their Railway, but not to alienate, so much of the beach or land covered with the waters of the Rivers Ottawa, St. Charles, or St. Lawrence, or of any other river, stream or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of the Rivers Saint Charles, Saint Lawrence or Ottawa, or of any other river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such Company may take lands covered by the St. Lawrence or Ottawa, &c. Proviso: as to Bridges over navigable rivers, &c.

such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river, stream or canal, or upon the land covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Governor in Council may impose penalties.

XX. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds, in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their officers or servants by whom the regulations shall have been contravened.

Company may be parties to promissory notes, &c.

XXI. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or the Secretary and Treasurer of the Company so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso.

Corporations may lend money to the Company as well as subscribe for Stock, &c.

XXII. And be it enacted, That if at any time the Mayor and Councillors of the City of Quebec, or the Corporation of the City of Montreal, or the Gentlemen Ecclesiastics of the Seminary of Quebec, or any other Corporate body, civil or ecclesiastical, or any Municipality in this Province, shall be desirous of subscribing for shares of the Capital Stock of the said Company or of otherwise promoting the speedy completion of the said
 Railway,

Railway, by loans of money or securities for money at interest or à constitution de rente, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act, any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any Law or usage to the contrary notwithstanding : Provided always, that should the said Company require to purchase from the Ecclesiastics of the Seminary of St. Sulpice of Montreal, any land either on the Lachine Canal, River St. Lawrence, or in any other place, for the purposes of the Railway, it shall be lawful for the said Ecclesiastics to sell and convey the same to the Company, without advertising and offering the said lands at public sale, or without any other formality of sale than is provided by this Act. Proviso.

XXIII. Provided always, and be it enacted, That inasmuch as the Mayor and Councillors of the City of Quebec have already obtained the consent of a Majority of the qualified electors of the Municipality, that they the said Mayor and Councillors should subscribe for shares to an amount not exceeding One Hundred Thousand Pounds in the Capital Stock of any Company to be incorporated for the purpose of making the Railway authorized by this Act, therefore the paragraph or division of the eighteenth section of *The Railway Clauses Consolidation Act*, marked "Thirdly," shall not apply to any subscription by the said Corporation to the Capital Stock of the Company hereby incorporated, or to any loan or guarantee to or in favor of the said Company by the said Corporation, provided the amount so subscribed for, loaned or guaranteed, does not exceed the sum of One Hundred Thousand Pounds aforesaid ; and the said Corporation may, either before or after the incorporation of the said Company, and without any previous formality or proceeding, subscribe for shares in the Capital Stock of the said Company to an amount not exceeding the sum aforesaid, or may, to the amount aforesaid, lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any debenture to be issued by the Company for money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property in the said City, a sufficient sum to enable them to discharge the debt or engagement so contracted, and for like purpose to issue debentures payable at such times and for such sums respectively, not less than Five Pounds currency, and bearing or not bearing interest, as the said Corporation may think meet: Provided always, that nothing in this Act shall be construed to prevent the said Corporation of the Mayor and Councillors of the City of Quebec, from subscribing for any further or additional amount of the Stock of the said Company, if they see fit so to do, complying with the provisions of the *Railway Clauses Consolidation Act* in that Corporation of Quebec not to be subject to the provisions of paragraph 3 of s. 18, of 14 & 15 V. c. 51.

Proviso: Corporation of Quebec may subscribe for further sum.

that behalf, as far as regards such further or additional amount of Stock.

Proceedings under any Writ of Execution against a Municipality for arrears of interest or principal on any of its Debentures.

XXIV. And be it enacted, That if at any time any Sheriff or Bailiff shall receive a Writ of Execution, commanding him to levy any sum of money due by any Municipality for the principal or interest of any Bond or Debenture issued under the authority of this Act, the Plaintiff may require, and the Court whence such execution issues may order it to be levied by rate; and if such order be made, the Sheriff or Bailiff shall cause a copy of such Writ to be served upon the Secretary-Treasurer of such Municipality, and if the money therein mentioned, with all the lawful interest and costs, which the said Sheriff or Bailiff is commanded to levy, be not paid within one month from the time of such service, the said Sheriff or Bailiff shall himself calculate what rate in the pound, upon the assessed value of all the rateable property lying or situate within the limits of the said Municipality, will, in his opinion, after making fair allowance for the expenses, losses and deficiencies in the collection of such rate, be required to produce the debt, interest and costs which he is commanded to levy, and a sum of ten per centum in addition; and the said Sheriff or Bailiff may command the Council of the said Municipality, and all officers whom it may concern, to cause the said rate to be levied and collected, and the proceeds to be paid over to him; and it shall be the duty of the Secretary-Treasurer, and the Assessors, Collectors, and all other officers of the said Municipality, to produce to the said Sheriff or Bailiff, on his demand, all assessment books, papers and documents, having reference to the assessment of the property in the said Municipality, and to give him such information as he may require in order to fix the said rate: and all such officers of the said Municipality shall be bound to obey the said Sheriff or Bailiff, as well in respect of such information as in the levying and collection of such special rate, and for neglecting or refusing such obedience, shall be liable by imprisonment (*contrainte par corps*) to be decreed against them by the Court in which the judgment has been rendered and ought to be levied; and the said Sheriff or Bailiff shall, for the purpose of imposing, levying and collecting the said special rate, have all the powers of the said Municipal Council and of its officers, and may proceed to the sale of lands and immoveable property in the same manner, and take such other proceedings and recourses as they could do for the non-payment of any rate or assessment; and the said Sheriff or Bailiff shall pay to the Plaintiff his debt, interest and costs out of the amount levied, and if there be any surplus, it shall be paid back to the Secretary-Treasurer of the said Municipality, but if there be a deficiency, a new rate shall be imposed and a levy made; and no rate so imposed, nor any levy or collection by such Sheriff or Bailiff, shall be liable to be opposed for inequality or injustice, but any party injured may petition the Council of said Municipality for redress out of their other funds.

Powers of the Sheriff or Officer to levy the required rate.

XXV. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the expiration of twenty-one years, from and after the first day of January next, after the day on which the certificate mentioned in the second section of this Act, shall be delivered by the Secretary of this Province, to the Mayor and Councillors of the City of Quebec, to purchase the said Railway, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up Stock of the said Railway, estimated on the average of the seven then next preceding years; Provided that the average rate of profits for the said seven years, shall not be less than the rate of Ten Pounds in the Hundred, and it shall be lawful for the Company, if they shall be of the opinion that the said rate of twenty years purchase of the said average profits, is an inadequate rate of purchase of the said Railway, reference being had to the prospective profits thereof, to require that it shall be left to arbitration in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; Provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any Order in Council, reducing the Tolls fixed and regulated by any By-law of the said Company, shall be in force.

The Govern-
ment may
after a certain
time assume
the Railway,
&c. and on
what terms.

Proviso.

XXVI. And be it enacted, That from and after the commencement of the period of seven years, next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company, of all sums of money received and paid on account of the said Railway; and the said Company, shall once in every half year during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Railway, for the half year ending on the Thirtieth day of June, and on the Thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified; under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively; and it shall be lawful for the Governor in Council, if and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company, during the said period of seven years; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers and other documents of the Company, at the principal Office or place of Business of the Company, and to take copies or extracts therefrom.

Company to
keep accounts
with reference
to such as-
sumption.

They shall
transmit
copies of such
accounts to
the Inspector
General.

Debentures to be in the form of the Schedule to this Act.

Hypothec under such Debentures.

Registration facilitated.

Cancelled Debentures.

Fees.

Act 16 V. c. 39, and Act amending it,

XXVII. And be it enacted, That any Debenture in the form of the Schedule A to this Act, issued by the said Company, shall be valid and effectual to all intents and purposes according to the tenor thereof and shall bind the Company, and any Municipal Corporation which shall guarantee the same and if such Debenture shall purport to give a mortgage or hypothec on the Railway and property of the said Company, such mortgage or hypothec shall be valid and shall rank from the date of such Debenture if the same be registered within one month from such date, and no such Debenture need be passed before a Notary or Notaries in order to give validity to such mortgage or hypothec, which shall include the Iron Rails and other parts of the track of the Railway, and all bridges, buildings, constructions and fixtures upon the line of the Railway or that part thereof to which the mortgage or hypothec shall by the terms of such Debenture extend, nor shall any more formal or particular description of the property than that given in the said Form be requisite; and any such Debenture shall be registered as hereinafter mentioned on proof of the signatures thereto and of the common seal of the Company, by the oath of any one credible witness before the Registrar: And for facilitating the registration of the said Debentures, Be it enacted, That the registration thereof, in the Registry Office of the County of Quebec, shall be sufficient and shall have the same effect as if they were registered in every County through which the said Railway shall pass or in which the property mortgaged or hypothecated shall lie, and the said Company may furnish the Registrar of the said County of Quebec, with a Book or Books containing copies of the Form aforesaid, one copy on each page, with such blanks as may be convenient for the several cases, and the registry of any Debenture by copying the same at length in any of the said Books (without copying the interest coupons) and appending the certificate of Registry thereto, shall be a sufficient registry of such Debenture, and a corresponding certificate of registration shall be given by the Registrar on the original Debenture: and if any registered Debenture shall be brought to the said Registrar, with the word "cancelled" written across its face over the signature of the President or Secretary of the said Company, then on the oath of one credible witness before the Registrar, that such signature and the word "cancelled" were written in his presence by the President or Secretary of the said Company, the Registrar shall make an entry of the cancellation of such Debenture in the margin of the page on which the same is registered, and the cancelled Debenture shall remain of record in his office: and the fee of the Registrar for registering any Debenture shall be Two Shillings, and for entering the cancellation of any Debenture One Shilling, and no more.

XXVIII. And be it declared and enacted, That the Act passed in the present session, intituled, *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line*

Line of Railway throughout this Province, to unite with any other such Company or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned incorporating Railway Companies, and the Act of this session amending the same, shall apply to the said North shore Railway Company and their Railway.

to apply to the Company and their Railway.

XXIX. And be it enacted, That this Act shall be a Public Act; and that in citing this Act in any other Act, or in any pleading or judicial proceeding, or in any contract or other document or instrument whatsoever, it shall be sufficient to use the expression "The North Shore Railway Act."

Public Act
Short title.

SCHEDULE A.

FORM OF DEBENTURE.

NORTH SHORE RAILWAY.

No.	£	Sterling or Currency.
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This Debenture witnesseth that the North Shore Railway Company, under the authority of their Act of Incorporation, have borrowed and received from _____ the sum of _____ sterling (or currency) as a loan, to bear interest at the rate of _____ per centum per annum, from the date hereof, the said interest payable half yearly on the day of _____ and the _____ day of _____ in each year, at _____ to the said _____ or the bearer of the proper interest coupon hereunto attached: and that the said Company promise and bind themselves to pay the principal sum so borrowed as aforesaid to the said _____ or the bearer hereof at _____ on the _____ day of _____ one thousand eight hundred and _____.

If the Debenture is to carry a mortgage or hypothec, say:

And for the due payment of the said principal sum and interest, the said Company, under the authority of their said Act of Incorporation, hereby mortgage and hypothecate "the whole of the Railway called the North Shore Railway from its terminus at Quebec to its terminus at Montreal, both termini inclusive, and all the appurtenances thereof," or as the case may be.

In witness whereof, I _____ the President of the said Company, have hereunto set my hand and affixed the common seal of the said Company, at the City of Quebec, on the _____ day of _____ one thousand eight hundred and _____ and _____.

A. B.
President. [L. S.]

C. D.
Secretary.

If

If the Debenture be guaranteed by any Municipal Corporation, say: "Guaranteed by (name of Corporation)."

J. H.

Mayor. [L. s.]

Registered in the Registry Office of the County of Quebec,
on the _____ day of _____ one thousand eight
hundred _____, on page _____ of Book _____.

E. F.

Registrar.

C A P. C I.

An Act to incorporate the London and Port Sarnia Railway Company.

[Assented to 22nd April, 1853.]

Preamble.

Certain persons incorporated.

WHEREAS it is highly desirable that a Railway should be made from Port Sarnia to intersect the Great Western Railroad at or near the Town of London, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Robert William Harris, of the City of Liverpool, Merchant, John Masterman the younger, of the City of London, Banker, Samuel Laing, of the City of London, Member of the House of Commons, Peter Buchanan, of the City of Glasgow, Merchant, W. M. McLaren, of the City of Hamilton, Merchant, Isaac Buchanan, of the same place, Merchant, Richard Juson, of the same place, Merchant, John Young, of the same place, Merchant, George S. Tiffany, of the same place, Barrister, Henry McKinstry, of the same place, Banker, Edmund Ritchie, of the same place, Esquire, Joseph Curran Morrison, of the City of Toronto, Esquire, James Hamilton, of West Flamborough, Esquire, Andrew Stewart, of the City of Hamilton, Esquire, Hector Munro, of the City of Hamilton, Esquire, John Brown, of the City of Hamilton, Esquire, Walter H. Dickson, of the town of Niagara, Esquire, and Sir Allan Napier MacNab, of Dundurn, Barrister, together with such other person or persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share

share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of "The London and Port Sarnia Railway Company;" and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called "The London and Port Sarnia Railway," from the foot of Lake Huron at or near Port Sarnia, to intersect the Great Western Railroad at or near the Town of London, at such point, as shall be found most convenient and advantageous for the intersection thereof, the said line being first approved by the Governor in Council.

Corporate name.

Line of Railway.

II. And be it enacted, That the Gauge of the said Railway shall be five feet six inches.

Gauge.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; Provided always, that the parties herein before named, or a majority of them, shall cause books of subscription to be opened in the City of Hamilton and Town of London, and Village of Port Sarnia and elsewhere as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Company and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company. Provided always, that the said parties or the majority of them may reserve one half of the whole capital Stock of the said Company for subscription in Great Britain, if they deem it expedient.

Power to raise the requisite funds.

Proviso: Books of subscription to be opened.

Notice.

Effect of subscription.

Proviso.

IV. And be it enacted, That the sum to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of Five Hundred Thousand Pounds; and the money to be raised and subscribed

Capital £500,000.

To what purposes to be applied.

is hereby directed and appointed to be laid out and applied, in the first place for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent or purpose, whatever.

Shares to be £25 each, &c.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of Twenty-five Pounds currency each, and each holder of or subscriber for any share or shares shall have a part of all the profits of the said undertaking, proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

First General Meeting and Election of Directors.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever five thousand shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and five per centum paid thereon as hereinafter provided, and at such meeting nine persons, being each a subscriber for at least forty shares, who shall have paid five per centum thereon, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the shareholders; and due notice shall be given of the time and place of such first meeting, by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

Notice.

Annual General Meetings.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the said Company, by which also the mode of calling special meetings of the Shareholders shall be fixed and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Railroad Company which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

Special Meetings.

Provisions, Act U. C. 4 W. 4, c. 29, and Acts amending it, to apply to the Company constituted by this Act.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and the Acts of the Parliament of this Province reviving, extending, or amending the same, or relating to the Company thereby incorporated and now called "The Great Western

Western Railroad Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Acts which are so incorporated with this Act, shall be intended and included by the expression "this Act" whenever it is used herein.

IX. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working the said Railway as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

Company may borrow money, &c.

X. And be it enacted, That for and notwithstanding any Acts of the Parliament of this Province, or of the late Province of Upper Canada, incorporating the said Great Western Railroad Company, or amending the same, and hereinbefore mentioned and referred to, in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any lands or grounds, or privileges appertaining thereto, which may be required or shall be taken for the uses or conveniences of the said Railway, as to the value of the land or ground so taken and the privileges appertaining and damages done thereto, it shall and may be lawful, and the said Company are hereby empowered to tender to such owner or occupier of such lands or grounds and privileges aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just; and in case an arbitration or suit be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered, and no greater sum be awarded or allowed to such owner or occupier by the Arbitrators appointed to settle, or the Jury empanelled to try the same, than the amount of compensation so tendered, then the said owners or occupiers of such lands, grounds or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such Arbitrators or Jury, than the amount so tendered, then the Company shall pay all costs attending such arbitration or suit, and also such additional sum as may be so awarded or allowed by such Arbitrators or Jury for the land, or ground, damages, or privileges so taken by the said Company.

Power to tender compensation and then to enter on the land required.

By which party the costs of any Arbitration shall be paid.

XI. And be it enacted, That the said Company shall, as soon as may be after making such tender, (if the same be not accepted,) pay the amount or sum so tendered into the office of either of the

If the sum tendered be not accepted,

the

the Company may pay it into Court.

Resistance to Company taking possession how put down.

Price of land to stand instead of it to all intents.

Proviso: if the Company fear incumbrances, they may pay the price into Court, and the Court shall distribute it among the claimants.

the Superior Courts of Common Law in Upper Canada for the use of the owner or occupier of such land or such party as may be entitled by law to receive the same, and immediately on such payment being made, on the sum so tendered deposited with the officer of such Court, it shall and may be lawful for the said Company, and they are hereby authorized and empowered, forthwith to take possession of the land or ground in question, and to hold the same for the uses for which they may require the same; and if any resistance or forcible opposition shall be made by any person to their so doing, it shall and may be lawful for the Judge of any County Court in Upper Canada, on proof to his satisfaction of such tender being made and compensation money deposited as aforesaid, and that immediate possession of the land is required by the said Company, to issue his Warrant to the Sheriff of the County or United Counties in which the land may lie, or to a Bailiff as he may deem most suitable, to put the said Company in possession and to put down such resistance or opposition.

XII. And be it enacted, That whenever any sum or sums of money shall be awarded or agreed to be paid by the said Company for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railway, the sum so awarded or agreed upon shall be the compensation to be paid by them for the said land, and shall stand in the stead of such land, and any claim to, or incumbrance upon the said land, or any portion thereof, shall as against the Company be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance and warranty, or if the party entitled to claim the same cannot be found or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice in such form and for such time as the said Court shall appoint shall be inserted in some newspaper, (if there be any) published in the County in which the land is situate, which shall state that the title of the Company, that is the conveyance, agreement or award, is made under this Act, and shall call upon all persons entitled to the land; or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims

claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and to law shall appertain; and the costs of the proceedings or any part thereof shall be paid by the Company or by any other party as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company; and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

Costs.

Interest.

XIII. And be it enacted, That from and after the passing of this Act, if the Arbitrators who shall be named and appointed by the said Company hereby incorporated, and the owner or occupier of any land required and taken by the said Company for the uses and conveniences of their Railway, cannot agree at their first meeting upon a third or fifth Arbitrator as the case may require, to act with them in valuing the said land and the privileges and damages thereto, it shall be lawful for the Judge of the County Court for the County in which such land is situate, to name and appoint such third or fifth Arbitrator as the case may require, which Arbitrator so named by such Judge shall have and possess all the same powers and authority as if he had been elected and chosen by the Arbitrators named by such Company and the owner or occupier of such land.

Judge of a
County Court
may name the
third or fifth
Arbitrator in
certain cases.

XIV. And be it enacted, That the Directors of the Great Western Railroad Company shall have and are hereby invested with full power and authority, at any time hereafter with the consent of the Directors of the London and Port Sarnia Railway Company, or at any time after the completion of the said Railway with or without the consent of the said Directors of the London and Port Sarnia Railway Company, by a By-law or By-laws of the said Great Western Railroad Company to that effect, to incorporate the Capital Stock of the said London and Port Sarnia Railway Company with the Capital Stock of the said Great Western Railroad Company, on equal terms with the Capital Stock of the said Great Western Railroad Company, and from thenceforth the same shall be one and the same Stock, and the said London and Port Sarnia Railway shall become part and parcel of the Great Western Railroad as if originally constructed by the said Great Western Railroad Company, and subject to all the regulations of the said Company in the

Provision for
Union of the
Company
with the Great
Western Rail-
way Com-
pany.

the same manner as other portions of the Line of the said Great Western Railroad, and the Capital of the Great Western Railroad Company shall be increased accordingly, and from the date of such amalgamation of the said Capital Stock and Line of road of the said London and Port Sarnia Railway Company with those of the said Great Western Railroad Company, so much of this Act as may be inconsistent with such amalgamation, shall cease and determine, but any provisions thereof not so inconsistent shall remain in force and shall apply to the Line of Railway hereby authorized, and to the Great Western Railroad Company, and the Directors, Officers and Agents thereof.

Public Act. XV. And be it enacted, That this Act shall be a Public Act.

C A P. C I I.

An Act to incorporate *The Hamilton and Port Dover Railway Company.*

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the construction of a Railway connecting the waters of Burlington Bay, at the City of Hamilton, with the waters of Lake Erie, at or near to Port Dover, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas Robert William Harris, of the City of Liverpool, Merchant, John Masterman, the younger, of the City of London, Banker, Samuel Laing, of the City of London, Member of the House of Commons, Peter Buchanan, of the City of Glasgow, Merchant, Isaac Buchanan, of the City of Hamilton, Merchant, Edmund Ritchie, of the same place, Esquire, Andrew Stuart, of the same place, Esquire, Hector Munro, of the same place, Esquire, W. P. McLaren, of the same place, Esquire, Sir Allan N. MacNab, of Dundurn, Barrister, James Ritchie, of Simcoe, Merchant, and William M. Willson, of the same place, Esquire, have prayed to be incorporated with the powers requisite for making and maintaining such Railway: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Robert William Harris, John Masterman, Samuel Laing, Peter Buchanan, Isaac Buchanan, Edmund Ritchie, Andrew Stuart, Hector Munro, W. P. McLaren, Sir Allan N. MacNab, James Ritchie, and William M. Willson, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are

Certain persons incorporated.

are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Hamilton and Port Dover Railway Company.*

Corporate name.

II. And be it enacted, That 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," shall be incorporated with this Act, and shall be included by the expression, "this Act," whenever used herein,

Certain clauses of 14 & 15 V. c. 51 incorporated with this Act.

III. And be it enacted, That the said Company and their servants or agents, shall have full power under this Act, to lay out, construct, make and finish a double or single iron Railway or Road at their own cost and charges, on and over any part of the Country lying between Port Dover and the City of Hamilton.

Line of Railway described.

IV. And be it enacted, That deeds and conveyances under this Act, 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 parties making such conveyances will admit, be made in the form given in the Schedule to this Act marked A; and all Registrars are hereby required to enter in their Registry Books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; and the said Company are to pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

Form of deeds conveying lands to the Company.

Registration.

Fee to Registrar.

V. And be it enacted, That the Capital Stock of the Company shall be Five Hundred Thousand Pounds currency, to be divided into twenty thousand shares of Twenty-Five Pounds each, which amount shall be raised by the persons or parties above named or some of them, together with such other persons and Corporations as may become Subscribers towards such Stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Road and connected with the said Railway.

Capital Stock; Shares.

Application.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the City of Hamilton, for the purpose of putting this Act into effect, which meeting shall be called by any five of

First General Meeting.

Notice. the persons named in this Act, ten days' public notice thereof being given by being published in the Newspapers of the said City of Hamilton, at which said General Meeting, the Shareholders present having paid five per cent, on their Stock subscribed, shall, either in person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the ex-officio Directors as provided by the Railway Clauses Consolidation Act, shall hold office until the first Annual General Meeting for the election of Directors, and until others are elected in their stead.

Annual General Meetings. VII. And be it enacted, That on the second Monday in June in each year, at the City of Hamilton, at the Office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of election in any two Newspapers published in the City of Hamilton, and also once fifteen days before the election in one newspaper in each Town upon the Line of the said Road; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors with the said ex-officio Directors shall form a Board of Directors.

Notice.

Elections to be by ballot.

Ties.

Vacancies how filled.

Board formed.

Quorum of Directors. VIII. And be it enacted, That the number of Directors which shall 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 Directors shall form such *quorum*; Provided, that the Directors may employ one of their number as a paid Director.

Paid Director.

Qualification of Directors. IX. And be it enacted, That the persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding Stock to the amount of One Thousand Pounds, who shall have paid up all calls on such Stock.

Calls limited. X. And be it enacted, That no call of money from the Shareholders shall exceed ten per cent on their shares.

One vote allowed for each Share. XI. And be it enacted, That 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 name two weeks prior to the time of voting.

XII. And be it enacted; That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange, drawn, accepted or endorsed by the President or Vice President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company, and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President, or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Company may become parties to Bills of exchange and Notes, and how.

Proviso.

XIII. And be it enacted, That the Gauge of the said Railway shall not be broader or narrower than five feet six inches.

Gauge.

XIV. And be it enacted, That this Act shall be a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents, That I, _____ of _____ (insert the name of the wife also if she is to release her Dower, or for any other reason to join in the conveyance,) do hereby, in consideration of _____ paid to me (or as the case may be) by The Hamilton and Port Dover Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Hamilton and Port Dover Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (describe the land) the same having been selected and laid out by the said Company for the purpose of their Railway, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto to the said Hamilton and Port Dover Railway Company, their successors and assigns for ever; (if there be Dower to be released, add) "and I (name of wife) hereby release my Dower on the premises."

Witness my (or our) hand (or hands) and seal (or seals), this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered
in presence of

(And if the wife join) A. B. [L. s.]
C. D. [L. s.]
C A P.

CAP. CIII.

An Act to incorporate *The Montreal and Bytown Railway Company.*

[Assented to 22nd April, 1853.]

Preamble.

Certain persons incorporated.

WHEREAS Alexander Maurice Delisle, William Workman, Benjamin Holmes, John Leeming and Olivier Berthelet, of the City of Montreal, Esquires, and others, have petitioned the Legislature to incorporate a Company to construct a Railroad from the City of Montreal aforesaid, by the north-east end of the Mountain of Montreal, to or near Bytown, by the route which may be deemed the most eligible, and it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Alexander Maurice Delisle, Jacques Viger, Janvier D. Lacroix, Benjamin Holmes, John Leeming, Jean Louis Beaudry, Narcisse Valois, Joseph Roy, J. W. A. R. Masson, William Workman, Tancredé Bouthillier, Alexis Edouard Montmarquet, Benjamin Henry LeMoine, Maurice Cuvillier, Jacob Dewitt, Hubert Paré, James Charles, Dwight P. Janes, Sydney Bellingham, Pierre Jodoin, Alexis Laframboise, Jean Bruneau, Olivier Berthelet, Charles Hersey, Joseph Aumond, Alfred LaRocque, François Leclair, Joseph Amable Berthelot, Samuel Gale, John Dods, Peter Devins, Thomas M. Thompson, A. Romuald Cherrier, Henry Mulholland, Narcisse B. Desmarteau, Charles A. LeBlanc, Nicolas Sparkes and Theodore Hart, Esquires, with all such other persons and Corporations as shall become Shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of *The Montreal and Bytown Railway Company.*

Corporate name.

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

II. And be it enacted, That 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," shall be incorporated with

with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the clause of the said "Railway Clauses Consolidation Act," headed "plans and surveys," that is to say, that lands to the extent of twenty acres, may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depots, or other works in any City or Town.

III. And be it enacted, That the said Company and their agents and servants shall have full power under this Act, to lay out, construct, make and finish a double or single Iron Railroad or Way, at their own cost and charges, on and over any part of the Country lying between any part of the said City, Parish or County of Montreal, by the north-east end of the Mountain of Montreal and through the Counties of Terrebonne and Two Mountains, and any part of the Town of Bytown aforesaid, with power to such Company, to construct branches of the said Railway as the circumstances of the Counties and localities through which the said Railway shall pass may require, but in no case shall any such branch exceed ten miles in length; Provided always, that whereas the construction of a Bridge over the River St. Lawrence at or near the City of Montreal is now contemplated, and that it is just and proper that the said Company should have access to such bridge, the said Company shall, for the purpose of connecting their Railway with such bridge, have the power to run a track and lay down rails in and through such streets and property in the said City, Parish or County of Montreal, or to make such branch Railway as may be necessary to effect that object; and the Corporation of the said City of Montreal shall make such regulations therefor as the said Corporation shall consider necessary: Provided always, that should the said bridge be placed so high up the river St. Lawrence as to render it necessary and desirable that the said Company should connect and unite their said railway with the Main Trunk Railway, at some point above the City, Parish or County of Montreal, it shall be lawful for the said Company to make such connection and, for that purpose, to alter and change their line of road to effect that object.

Line of Railway to be made by the Company.

Proviso: as to using the Bridge at Montreal.

Further proviso on same subject.

IV. And be it enacted, That the said Company shall have the power to erect and construct such bridges as they may require for the purposes of their said Railway, over any part of the said River Ottawa at some place which may be deemed practicable between Carillon and Grenville or that part of the said river known as the River des Prairies, and also over the River Jésus, as they may deem necessary, with the right, if they think proper, to adapt the said bridges to the passage of horses, vehicles and passengers, subject to the clauses, conditions and stipulations of the "Railway Clauses Consolidation Act."

Power to bridge Rivers.

Bridges may be made applicable to ordinary vehicles, &c.

Act."

Act:” And in case such bridges be used by the Public as toll bridges, the rates and tolls shall be fixed by the Governor in Council: Provided always, that the said Company shall not commence the construction of any bridge until they shall have submitted the plans thereof and of all works thereunto relating to the Governor in Council, nor until such plans shall have been approved by him: Provided also that no such bridge shall be constructed for the passage of ordinary vehicles, animals and passengers, within the exclusive limits attached to any toll bridge over any River, except with the consent of the Proprietor of such bridge, nor for Railway purposes only, except with his consent, or after paying or tendering to him such compensation as may be awarded to him, in case of disagreement between him and the said Company, which compensation shall be established in the manner provided in the eleventh section of the said “ Railway Clauses Consolidation Act.”

Proviso:
Plan to be approved by Governor in Council.

Proviso: as to other private Bridges.

Power to take wild lands, lands covered with water, &c.

Proviso: as to navigable Rivers.

Draw-Bridge, &c.

Approval of Governor in Council required.

Form of Deeds conveying lands to the Company.

V. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown, not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Road; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried: And if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

VI. And be it enacted, That 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 of this Act

Act marked A : And for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to be furnished by and at the expense of the said Company with a Book with copies of the form given in said Schedule A. one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such Book to enter and register the said Deeds upon production thereof, and proof of execution, without any memorial, and to minute such entry on the Deed : And the said Company are to pay the said Registrars for so doing, the sum of Two Shillings and Six Pence, and no more, which said enregistration shall be held and deemed to be valid in law ; the provisions of any Act for the enregistration of Deeds now in force in this Province to the contrary notwithstanding.

Registration facilitated.

Fees to Registrar.

VII. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Six Hundred Thousand Pounds currency, to be divided into twenty-four thousand Shares of Twenty-five pounds currency each, which amount shall be raised by the persons and Corporations who may become Shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever ; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the line of the said Railway, to pay out of the general funds of such Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Capital Stock.

Shares.

Application.

Proviso : as to preliminary expenses.

VIII. And be it enacted, That in the borrowing of moneys, by way of loan, the Debentures of the said Company shall and may be in the form contained in the Schedule B. annexed to this Act or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothec upon the said Railway and the lands and property thereof ; and the registration at full length of a Debenture (without the interest coupons thereto attached) in the said form in the Registry Office for the County of Montreal, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof, in each county or locality through which such Railway may pass or lie, shall perfect the mortgage and hypothec created by such Debenture

Form of Debentures of the Company.

To give hypothec.

Registration in the County of Montreal, sufficient—its effect.

as regards all parties whatsoever, and the Debenture and mortgage and hypothecation thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description; but the description in the said Schedule B. shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed; any law or usage to the contrary notwithstanding.

Entry of cancellation of Debentures in Registrar's Books,

IX. And be it enacted, That if after the registration in a County Registry Office of a Debenture of the said Company creating a mortgage or hypothecation, such Debenture shall be presented at the Registry Office wherein it was registered, with the word "cancelled" and the signature of the President, or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the fee of One Shilling and Three Pence in that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the Registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office.

Registration of Debentures facilitated.

X. And to facilitate the registration of the Debentures of the said Company and the cancellation thereof—Be it enacted, That the said Company shall, at their own expense, deposit in the said Registry Office, wherein such their Debentures are hereby required to be registered, any number of their printed or engraved blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the coupons thereto, bound together in a Book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office, receiving for the registration of each such Debenture a fee of One Shilling and Three Pence, and no more; any Ordinance or Law to the contrary notwithstanding.

First Directors named.

XI. And be it enacted, That Alexander Maurice Delisle, William Workman, Benjamin Holmes, Jean Louis Beaudry, John Leeming, Benjamin H. LeMoine, Charles Hersey, Sydney Bellingham, Theodore Hart, Nicolas Sparkes and Joseph Aumond, shall be and are hereby constituted and appointed the

the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the shares subscribed in such Books, and call a meeting of subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as by the said "Railway Clauses Consolidation Act" are conferred upon the Directors elected under the said Act or named by this Act.

Their powers.

XII. And be it enacted, That when and so soon as one-fifth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them, to call a Meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more newspapers published in the City of Montreal, and in the Town of Bytown, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the private Shareholders present, either in person or by proxy, shall elect eight Directors, in the manner hereinafter mentioned; and one Director shall be chosen by each Municipal Corporation being Shareholders to the amount of Five Thousand Pounds currency, which said Director shall be the Mayor or Warden or Reeve, being the Head of such Municipality, or such other person as each such Municipality may by By-law appoint specially for that purpose: the fourth Sub-section of the eighteenth Section of the said general "Railway Clauses Consolidation Act" in this respect being hereby superseded: and which said Directors shall hold office until the first Monday in March following.

First General Meeting.

Notice.

Election of Directors.

Municipalities subscribing £5,000 to choose a Director.

XIII. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the private Shareholders eight Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of election, in the *Canada Gazette*, and also once at least, fifteen days before the election, in one newspaper in each City or Town or County on the line of the Railway, and all elections for such Directors shall be by ballot, and the persons who have the greatest number of votes at any election shall be the Directors, and if it shall happen that any two or more shall have an equal number of votes, the private Shareholders shall determine the election by another or other votes, until a choice is made; and if any vacancy shall at any time happen among the said eight Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said eight Directors, together with the Representatives of the Municipal Corporations subscribing as aforesaid, shall form the Board of Directors.

Annual General Meetings.

Notice.

Election to be by ballot.

Ties.

Vacancies how filled.

Quorum of Directors.
Paid Directors.

XIV. And be it enacted, That three of the said Directors shall form a *quorum* for the transaction of business : Provided that the said Directors may employ one or more of their said number as paid Director or Directors.

Qualification of Directors.

XV. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding at least twelve shares in the Stock of the said Company, who shall have paid up all calls on such shares.

Stock held by Municipalities how represented.

XVI. And be it enacted, That the Stock to be subscribed for by Municipal Corporations, shall be represented by the Mayor, Warden or Reeve from time to time being of such Municipal Corporations subscribing to *The Montreal and Bytown Railway Company*, or by such persons as shall be appointed as hereinbefore provided by such Municipal Corporations respectively ; and such Mayor, Warden or Reeve, or persons deputed as aforesaid, shall be entitled to a number of votes equal to the number of shares held by the Municipal Corporation to the same extent as private Shareholders.

Votes on such Stock.

One vote for each Share.

XVII. And be it enacted, That each shareholder shall be entitled to a number of votes equal to the number of Shares which he or they shall have had in his or their name at least two weeks prior to the time of voting ; Provided always, that no Municipal Corporation, shall vote or be entitled to vote at any election of the eight Directors to be chosen by the private Shareholders : And provided further, that no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

Proviso.

Proviso.

Calls on Stock.

XVIII. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent on the amount of each share, giving at least one month's notice for each call, in such manner as they shall appoint.

Limitation.

Tolls how fixed and regulated.

XIX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council, as is provided by the Railway Clauses Consolidation Act : Provided always, that in no case shall the amount charged for toll and charges exceed, for First Class

Proviso.

Class Passengers, Two Pence currency per mile, and for Second Class Passengers, One Penny Half Penny currency per mile; and for Third Class Passengers, One Penny currency per mile.

XX. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime, such goods shall be at the risk of the owner as provided in the said "Railway Clauses Consolidation Act," and if such goods be of a perishable nature the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company, after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he shall claim the same, after deduction of the said tolls, freight and of the expenses incident to any such sale.

Payment of
Tolls how en-
forced by the
Company.

XXI. And be it enacted, That the said Company shall have power to become parties to Promissory Notes, and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Company may
be parties to
Notes and
Bills, and
how.

Provido.

XXII. And be it enacted, That the said Company shall have the right to purchase, take, hold and subscribe for Stock in any other Railway or Steamboat Company as they may consider conducive to the interests of the said Company, and the

Company
may hold
Stock in other
Companies of
certain kinds.

Directors

Directors of the said Company may authorize one or more person or persons to vote upon such Stock at any meetings of such other Railway or Steamboat Company.

Aliens may vote, &c.

XXIII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in said Company, to vote on the same, and be eligible to office in the said Company.

Provincial Government may assume the Railway, &c.

XXIV. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Notice.

Terms of such assumption by the Provincial Government.

XXV. And be it enacted, That in case of such assumption as aforesaid, the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent, and ten per cent. additional thereon after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the said Company; Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and, in case of disagreement, such difference shall be referred to an Umpire, to be chosen by such Arbitrators before entering into the consideration of the said difference, and that the said award so made by the Arbitrators or the Umpire shall be final; and provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law on application of the Government, in Upper Canada, and by any two Judges of the Superior Court in Lower Canada.

Proviso.

Proviso.

Company may intersect other Railways, &c.

XXVI. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway, at any point on its route, and upon the lands of such other Railway or Railroad,

Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators to be appointed by two Judges of the Superior Court in Lower Canada, or by two Judges of the Superior Courts of Common Law in Upper Canada.

XXVII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State for leasing the said Railway or any part thereof, or the use thereof, at any time or times to such other Company; or for leasing or hiring out, to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railroad or of the moveable property of the said Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such foreign company, and intended to pass regularly along the said Railway between this Province and a foreign State, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

Company may agree with other Companies as to certain services to be rendered by one Company to the other.

As to Carriages passing in and out of the Province.

XXVIII. And whereas it may conduce to the interests of the said Montreal and Bytown Railway Company hereafter to unite and form a junction with other Railway Companies either at Montreal or Bytown—Be it enacted, That it shall be lawful for the said Montreal and Bytown Railway Company at any time hereafter to form such union and junction upon such terms and conditions as may be agreed upon at a general meeting of the Stockholders of the said Company specially convoked for that purpose, by a majority of such Stockholders, and

Power to form a Union with other Companies.

and thereafter the Companies so united shall form one and the same Company.

Public Act.

XXIX. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
 (name also the wife if any), do hereby in consideration
 of (here the sum) paid to me by *The Montreal
 and Bytown Railway Company*, the receipt whereof is hereby
 acknowledged, grant, bargain, sell, convey and confirm unto
 the said *The Montreal and Bytown Railway Company*, their
 successors and assigns for ever, all that certain tract or parcel
 of land situate (here describe the lands), the same having been
 selected and laid out by the said Company for the purposes of
 their Railway. To have and to hold the said lands and premises,
 together with the appurtenances thereto, to the said *The
 Montreal and Bytown Railway Company*, their successors
 and assigns for ever (here the release of dower if any.)

Witness my (or our) hand (or hands) Seal (or Seals, this
 day of one thousand eight hundred
 and

L. S.

Signed, Sealed and delivered in presence of

SCHEDULE B

Referred to in this Act.

THE MONTREAL AND BYTOWN RAILWAY COMPANY.

Number £ Sterling (or Currency.)
 This Debenture witnesseth that the Montreal and Bytown
 Railway Company, under the authority of the Provincial
 Statute passed in the Sixteenth year of Her Majesty's Reign,
 intituled, *An Act to incorporate the Montreal and Bytown
 Railway Company*, have received from
 of the sum of currency, (or sterling)
 as a loan, to bear interest from the date hereof, at the rate
 of per centum per annum, payable half yearly on
 the day of and on the day of
 which sum of currency (or sterling)
 the said Company bind and oblige themselves to pay on the
 to the said or to the bearer
 hereof; and to pay the interest thereon half yearly as aforesaid
 on the production of the coupon therefor, which now forms part
 of this Debenture.

And

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say : *The whole of the Rail-road from the City of Montreal to Bytown aforesaid, including all the Lands at the Termini of the said Road, and all the Lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging.*

In testimony whereof _____ President of the said Company, hath hereto set and affixed his signature, and the Common Seal of the said Company, at the City of Montreal, this _____ day of _____ one thousand eight hundred and _____

President.

Countersigned and entered

Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of Montreal, in the District of Montreal, on the _____ day of _____ one thousand eight hundred and _____ at _____ of the clock in the _____ page

Registrar.

C A P. C I V .

An Act to incorporate *The Megantic Junction Railway and Navigation Company.*

[Assented to 22nd April, 1853.]

WHEREAS it is expedient to incorporate a Company to Preamble.
construct a Railway, from some point on the Line of the Quebec and Richmond Railroad, in the vicinity of the River Bécancour, to Leeds, Inverness, Halifax and New Ireland, in the County of Megantic, and to improve the Lake and River Navigation of the said County, by a Canal or Canals, Locks, Dams, Basins, or otherwise: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That William Price, of Quebec, Dunbar Ross, of Quebec, John Smith, of Inverness, J. R. Lambly, of Leeds, J. Moir Ferres, of Montreal, George B. Hall, of Quebec, Edmund P. Mackie, of Quebec, Peter Rutherford, of Montreal, William Hume, of Leeds, John Carry, of Leeds, André Bezeau, of Halifax,

Certain persons incorporated.

F. Baby, of St. Pierre les Becquets, J. G. Clapham, M. P. P., of Quebec, J. W. Leaycraft, of Quebec, J. T. Brousseau, of Quebec, Pierre Gauvreau, of Quebec, or any of them, together with all such persons as may now be or may hereafter become Shareholders of any Share or Shares in the undertaking herein-after mentioned and authorized to be carried on, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name of *The Megantic Junction Railway and Navigation Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure, and also that they and their successors, by the name aforesaid, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company; and of letting, conveying, or otherwise departing there-with for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Corporate name and powers.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

II. And be it enacted, That the several Clauses of the "Railway Clauses Consolidation Act," passed in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-one, and intituled, *An Act to consolidate and regulate the General Clauses relating to Railways*, 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," "Shareholders," "Shares and their transfer," "Municipalities," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Railway," shall be incorporated with this Act in so far as they are not inconsistent with the terms of this Act, and shall apply as well to the Canal and navigation improvements and works to be made and performed by the said Company as to their Railway.

Power to make surveys, set out lands, &c.

III. And be it enacted, That the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to Her Majesty the Queen, Her Heirs and Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said Railway and works, or any of them, and forthwith and immediately upon such surveys being made and levels taken, and such

such parts ascertained as shall be necessary for making the said Railway or constructing the said Canal or Canals, Locks, Dams, Basins or other works, to take and appropriate, have and hold to and for the use of the said Company and their successors, lands sufficient for the construction of the said Railway and works, or any of them, for the improvement of the lakes and rivers in the said County of Megantic, with all necessary locks, tow-paths, basins, stations, warehouses and other erections as may be required by the said Company for the purposes aforesaid; and to purchase the same to and for the use of the said Company, and with full power under this Act to lay out and construct, make and finish a double or single iron or wooden Railway, to be worked by locomotive or stationary steam or other Engines, from some point on the line of the Quebec and Richmond Railroad in the vicinity of the River Bécancour to the Townships of Leeds, Halifax, Inverness and New Ireland, in the County of Megantic, and also to make and construct a Canal, of such dimensions as they may think proper, within the said County of Megantic, for the purpose of improving the Navigation of the Lakes and Waters therein, and otherwise to improve, deepen and render more easily navigable the said Lakes and Waters, and with full power to intersect or cross any road or highway lying in the route of the said Railway or Canal, and to construct their Railway or Canal across, upon or along the same; Provided that the Company shall restore the said road or highway so as not to impair its usefulness; Provided always, that the said Company shall be authorized to purchase or build Steam Vessels, Boats, Barges or other Vessels to ply on the waters of the Rivers and Lakes in the said County of Megantic.

What works
the Company
may con-
struct.

IV. And be it enacted, That if any person or persons shall wilfully, maliciously or to the prejudice of the said Company, break down, damage or destroy any bank, lock, gate, sluice or any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief to disturb or prevent the carrying into execution, or completing, supporting or maintaining the said works hereinbefore referred to, every such person or persons offending shall forfeit and pay to the said Company the value of the damages proved by the oath of one or more credible witness or witnesses, such damages, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same, and in case of default of payment, such offender or offenders may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offenders shall be convicted.

Punishment
of persons
damaging
works of the
Company;

V. And be it enacted, That no person or persons shall in any manner obstruct the passage of any boat, vessel or raft passing on or through the said Canal, Locks, Basins or other Works; and

Or impeding
navigation of
waters im-

proved by the
Company.

if any person shall obstruct the same and shall not immediately, upon due notice given to such person or persons so obstructing the passage aforesaid, remove the same, such person or persons shall, on conviction thereof before a Justice of the Peace, be punished by imprisonment, not exceeding two months, in the Common Gaol of the District in which the offence shall have been committed ; and it shall and may be lawful for the agents or servants of the Company to cause any boat, vessel or raft to be unloaded or removed in such manner as shall be proper for preventing such obstruction in the Navigation, and to detain and seize such boat, vessel or raft, and the loading thereof, until the charges occasioned by such obstruction, unloading or removal are paid.

Tolls how
fixed and regu-
lated.

VI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, subject to the provisions of the Railway Clauses Consolidation Act incorporated with this Act, to regulate from time to time, and establish the Rates of Toll, payable for the transportation of goods, wares, merchandize and passengers on the said Railway and Navigation, and the said Company shall annually, exhibit an account to either branch of the Legislature, of the Tolls collected and the sums expended in keeping the said works in repair, and also of the goods, wares and merchandize transported on and along the same.

To be fixed as
soon as the
works are
completed.

May be
altered.

VII. And be it enacted, That the said Directors of the said Company shall at their first General Meeting held after the Railway or Lake and River improvements or Canal shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act, and it shall and may be lawful for the Directors of the said Company to alter the said rates, at any subsequent meeting, after giving three months' public notice of the same, and that a Schedule of rates shall be affixed upon the most public place at such Railway and Canal, subject to the approval of the Governor in Council.

Payment of
Tolls and
mode of en-
forcing the
same.

VIII. And be it enacted, That the several dues, tolls and rates, so appointed to be taken as aforesaid, shall be paid to such person or persons and at such place or places, in such manner and under such regulations as the said Directors shall direct or appoint, and in case of denial or neglect of payment of any such rates, dues or any part thereof, on demand, to the said person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such boat, vessel, barge or raft for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

IX. And be it enacted, That the whole amount of the stock, Capital Stock.
 estate and property which the said Company shall be authorized
 to hold, including the Capital or Shares hereinafter mentioned,
 shall not exceed in value One Hundred Thousand Pounds, ster-
 ling.

X. And be it enacted, That each share shall be Twelve Shares to be
 Pounds Ten Shillings, currency, or Ten Pounds Five Shillings £12. 10. cur-
 and Six Pence, sterling, each, and the number of shares shall not rency or £10.
 exceed ten thousand, and books of subscription shall be opened 5. 6. sterling.
 by such person or persons, and under such regulations as the
 majority of the Directors hereinafter named, for the time being,
 assembled at a meeting to be called by any of them, shall
 direct: Provided, that any person who or whose attorney Proviso.
 (specially qualified to this effect) shall sign his or her name in
 the said books, shall become a Member of the said Corporation.

XI. And be it enacted, That the before mentioned William First
 Price, John Smith, J. G. Clapham, M. P. P., J. R. Lambly, Directors.
 James Moir Ferres, E. P. Mackie and George Beswick, Esquires,
 shall be, and they are hereby constituted and appointed
 the first Directors of the said Company under this Act,
 which body of Directors shall, after the passing of this Act, President.
 elect one of their body to be the President, and appoint the
 officers, agents and servants necessary to such direction, and By-laws
 make such Rules, Regulations and By-laws as may be con-
 sidered necessary; and should any one or more of the said
 Directors resign, or be removed by death, then the majority of
 the survivors may elect some other person or persons to supply
 such vacancy so made as aforesaid; Provided, that the said Proviso.
 Directors may appoint one of their number a paid managing
 Director; and five of their number shall be a *quorum*.

XII. And be it enacted, That so soon as Ten Thousand Pounds First General
 shall have been subscribed, and a deposit made thereon, as Meeting.
 may be required by the Rules, Regulations and By-laws made
 and adopted by the Directors as aforesaid, a General Meeting
 of the Subscribers shall take place, of which due notice of not
 less than thirty days shall be given in two newspapers in the
 Cities of Quebec and Montreal, one of which shall be published
 in the English and the other in the French language, at the
 time and place of such meeting; and it shall and may be Election of
 lawful for the Subscribers at such meeting, to proceed to the Directors.
 election of seven Directors for the said Company, and such
 election shall then and there be made by a majority of shares
 voted upon, in manner hereinafter prescribed.

XIII. And be it enacted, That the affairs and concerns of Qualification
 the said Company shall be managed and conducted by the of Directors.
 seven Directors who shall be so elected, and who shall be
 Shareholders each to the amount of ten shares, one of whom
 shall be chosen President.

Retirement of Directors. XIV. And be it enacted, That of the seven Directors so to be elected, as prescribed by the second next preceding Section, (or those appointed in their stead in case of a vacancy,) two shall go out of office on the first Monday of the month of May, in the year one thousand eight hundred and fifty-five, and two more in each succeeding year, on the like day of the month of May in each said year, at which periods an Annual General Meeting of the Shareholders of the said Company shall be held to choose two other Directors in the place and stead of the two Directors so going out as aforesaid, and generally to transact the business of the Company; Provided, that the Directors shall retire in rotation, the order of retirement of the said first elected Directors being decided by lot amongst the Directors themselves, at the time of the first election; but the Directors then or at any subsequent period retiring, shall be eligible for re-election; Provided also, that no such retirement shall have effect, unless the Shareholders shall at such Annual Meeting proceed to fill up the vacancies caused in the Board of Directors by the retirement of the said two Directors as aforesaid.

Proviso.

Proviso.

Notice of General Meetings. XV. And be it enacted, That no General Annual Meeting of the Shareholders or any Special General Meeting of such Shareholders shall be held unless due notice of such General Annual Meeting or of any intended Special General Meeting shall be given, in the Cities of Quebec and Montreal in two Newspapers in each City, one of which shall be published in the English language and the other in the French language, for a period of at least fifteen days before such meeting: Provided, however, that no such General Special Meeting shall be held unless it be decided by a majority of the Directors at any of their meetings that such General Special Meeting shall be held, or unless a requisition in writing for such General Special Meeting, shall be made to the Board of Directors, by not less than ten Shareholders who shall among themselves be Subscribers of not less than two hundred shares.

Proviso: as to Special Meetings.

Hour and place of Election of Directors. XVI. And be it enacted, That the seven Directors shall be elected at such time of the day and at such place as a majority of the Directors for the time being shall appoint, and public notice shall be given in the usual manner of such time and place of meeting, and the said election shall be held and made by such of the Shareholders of the said Company as shall attend for that purpose, in their own proper person or by proxy, and all Elections of Directors shall be by Ballot, and the seven persons who shall have the greatest number of votes at the said Election shall be Directors, and the majority of Directors shall elect the President; each Shareholder shall be entitled to a number of votes proportioned to the number of shares he or she shall have held in his or her own name, at least one month prior to the time of voting: Provided always, that no one proprietor shall have more than one hundred and fifty votes.

Ballot.

Proviso.

XVII. And be it enacted, 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 Corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

Case of failure of Election provided for.

XVIII. And be it enacted, That the Directors for the time being, or the majority of them, shall have power to make such By-laws and Regulations as to them shall appear proper, touching the management of the stock, estate and effects of the said Corporation, and touching the duty and conduct of the officers, clerks and servants employed by the said Company, and all such matters as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Powers of Directors.

XIX. And be it enacted, That the Mayor of any Municipal Corporation subscribing for and holding shares in the stock of the said Company, to the amount of Five Thousand Pounds or upwards, shall be *ex officio* one of the Directors of the said Company in addition to the Directors elected by the Shareholders pursuant to this Act, and shall have the same rights, powers and duties as any of the other Directors of the said Company; Provided always, that any such Municipal Corporation whose Mayor shall be *ex officio* such Director as aforesaid, shall not vote or be entitled to vote in or for the Election of the other Directors aforesaid, elected by the Shareholders.

Mayor of any Municipality holding £5,000 Stock to be an *ex officio* Director.

XX. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for any duly authorized officer of the Company in any such case, to appear in obedience to the said Writ to make the declaration in such case by Law required, according to the exigency of each case, which said declaration shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in causes where interrogatories *sur Faits et Articles*, or *Serment Décisive*, may have been or may hereafter be served upon the Company, the Directors shall have the power, by a Vote or Resolution entered among the Minutes of the proceedings of any meeting, to authorize any officer of the Company, to appear in any cause to answer such interrogatories, and the answers of such officer, so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities by law required had been complied with; and the production of a copy of such Resolution certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

Service of process, &c. *Faits et articles*, &c.

Auditors to be appointed.

XXI. And be it enacted, That every Annual General Meeting shall have power to appoint not exceeding two Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for under them, in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

Guage.

XXII. And be it enacted, That the Guage of the said Railway shall not be broader or narrower than five feet six inches.

Power to become parties to Notes, &c. and in what manner.

XXIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange, drawn, accepted or endorsed by the President or Vice President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company, and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President, or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note, intended to be circulated as money, or as the Notes of a Bank.

Proviso.

Power to agree with the Quebec and Richmond Railway Company for certain purposes.

XXIV. And be it enacted, That it shall be lawful for the said Company and the said Quebec and Richmond Railway Company, to make agreements for the use of the line of the Quebec and Richmond Railway from its point of junction with the line of the said Megantic Junction Railway and Navigation Company, to the terminus of the said Quebec and Richmond Railroad, at, near or opposite the City of Quebec, on such terms of agreement as shall be mutually decided by the Directors of both Companies.

Borrowing money.

XXV. And be it enacted, That the said Company may, from time to time, lawfully borrow either in this Province or elsewhere, such sum or sums of money not exceeding, at any one time,

time, the sum of Fifty Thousand Pounds currency, as they may find expedient, and at such rate of interest, not exceeding eight per cent per annum, as they may think proper, and may make the Bonds, Debentures or other Securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate or pledge the lands, tolls, revenues and other property of the said Company for the due payment of the said sums and the interest thereon.

Rate of Interest.

Debentures, &c. to be issued.

XXVI. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of Directors.

XXVII. And be it enacted, That this Act shall be taken and deemed to be a Public Act, and the Interpretation Act shall apply to this Act.

Public Act.

C A P . C V .

An Act to incorporate the *Port Whitby and Lake Huron Railway Company.*

[Assented to 22nd April, 1853.]

WHEREAS Joseph Gould, Peter Taylor, Henry Daniels, James Rowe, William Laing, Ezra Annis, James Wallace, John Sheir, and Robert John Gunn and others, have petitioned the Legislature to incorporate a Company to construct a Railroad from Port Whitby to such place on Lake Huron as may be decided upon by such Company, and it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Joseph Gould, Peter Taylor, Henry Daniels, James Rowe, William Laing, Ezra Annis, James Wallace, John Sheir, and Robert John Gunn, together with such person or persons or Corporations, Municipalities and Companies as well Foreign as Provincial, as shall under the provisions of this Act become Shareholders in such Company as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact by and under the name and style of *The Port Whitby and Lake Huron Railway Company.*

Preamble.

Certain persons incorporated.

Corporate name.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

II. And be it enacted, That 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," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained.

Line of Railway defined.

III. And be it enacted, That the said Company and their agents or servants shall have full power under this Act to lay out, construct, make and finish a double or single Iron Railroad or way at their own cost and charges, on and over any part of the Country lying between Port Whitby and such place on Lake Huron as may be decided upon by the said Company.

Form of Deeds to the Company, and Registration thereof.

IV. And be it enacted, That 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 land or the circumstances of the party making such conveyance will admit, be made in the form given in Schedule of this Act marked A, and for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to be furnished by and at the expense of the said Company with a book with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such book shall enter and register such deeds upon production thereof and proof of execution, without any memorial, and shall minute such entry on the deed; and the said Company shall pay the said Registrars for so doing the sum of Two Shillings and Six Pence, and no more, which said enregistration shall be held and deemed to be valid in law, the provisions of any Act for enregistration of deeds now in force in this Province to the contrary notwithstanding.

Fees.

Capital Stock.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Two Hundred and Fifty Thousand Pounds currency, to be divided into twenty-five thousand shares of Ten Pounds each, which amount shall be raised by the persons above named or some of them, together with such other persons or Corporations as may become subscribers towards such Stock; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith, and all

Shares.

Capital how to be applied.

the

the rest and remainder of such money shall be applied towards completing and maintaining the said Railway and other purposes of this Act and to no other purpose whatsoever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the common stock thereof, it shall be lawful for the Municipality of any County, Town or Township on or near the line thereof, to pay out of the general funds of such Municipality any proportion of such Railway preliminary expenses, which Sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That Joseph Gould, Peter Taylor, Henry Daniels, James Rowe, William Laing, Ezra Annis, James Wallace, John Sheir and Robert John Gunn, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, for carrying out the object and purposes of this Act.

First Directors named.
Their term of office.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary means for opening the Stock Books for the subscription of parties desirous to become Shareholders in the said Company.

Directors to cause Books of subscription to be opened.

VIII. And be it enacted, That when and so soon as Fifty Thousand Pounds of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors or a majority of them to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen days public notice of the same in one or more newspapers published in the County of Ontario, at which said General Meeting the Shareholders, having paid ten per cent on their Stock subscribed for, shall either in person or by proxy choose nine Directors in the manner and qualified as hereinafter mentioned, to be, together with the *ex officio* Directors as provided by the said "Railway Clauses Consolidation Act," Directors of the said Company, and to hold office until the first Monday in June following.

First General Meeting and Election of Directors.

IX. And be it enacted, That on the first Monday in June following, and on the first Monday in June in each year thereafter, at the office of the Company, there shall be chosen by the Shareholders, nine Directors in the manner hereinafter directed, and public notice of such Annual Election shall be published one month before the day of the Election in the *Canada Gazette*, and also once fifteen days before the Election in one newspaper in each Town or County upon the line of the Railway; and all Elections for Directors shall be by ballot, and the persons who 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

Annual General Meetings, and Election of Directors.

Mode of voting, &c.

Ties.

number

Vacancies
how filled.

number of votes, the Shareholders shall determine the Election by another or other votes until a choice is made ; and if a vacancy shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and the said nine Directors, with the said *ex officio* Directors, shall form the Board of Directors.

Quorum.

Paid Directors.

X. And be it enacted, That a majority of the said Directors shall form a *quorum* for the transaction of business ; Provided that the said Directors may employ one or more of the said Directors as paid Director or Directors.

Qualification
of Directors.

XI. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be Shareholders holding Stock to the amount of One Hundred Pounds each, who shall have paid all calls on such Stock.

Calls on Stock
how made.

XII. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for Instalments upon each share which they or any of them may hold in the Capital Stock of the said Company, in such proportion as the Directors may see fit, so as no such Instalment shall exceed ten per cent, giving at least one month's notice for each call in such manner as they shall appoint.

One vote allowed
for each share.

XIII. And be it enacted, That 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 name two weeks prior to the time of voting.

Company may
be parties to
Promissory
Notes, and
how.

XIV. And be it enacted, That the said Company may become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company or Vice President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of Directors, shall be binding upon the said Company ; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Vice President, Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever : Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Proviso.

XV. And be it enacted, That sub-Sections fifteen and sixteen of Section sixteen of the Railway Clauses Consolidation Act, shall not be incorporated with this Act.

Sub-sects. 15 & 16 of s. 16 of 14 & 15 V. c. 51, not to apply.

XVI. And be it enacted, That if any person or persons shall neglect or refuse to pay a rateable share of the Calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof, their respective Shares in the undertaking and all the profit and benefit thereof, may be declared forfeited at a General Meeting of the Company assembled at any time after the said two months shall have expired, provided such Calls shall remain unpaid and due at the time of holding such General Meeting: and all shares declared forfeited shall go to the Company for the benefit thereof, and every such forfeiture shall be an indemnification to and for every Shareholder whose Share or Shares shall have been forfeited as aforesaid, against all actions, suits or prosecutions whatsoever, to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder or Shareholders and the other Shareholders, with regard to carrying on the said undertaking.

Forfeiture of Shares for non-payment of Calls.

Effect of forfeiture.

XVII. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate with the consent of the Governor in Council for the use of the Railway, but not to alienate, so much of the wild land of the Crown not heretofore granted or sold lying in the route of the said Railway, as may be necessary for the said Railway, as also so much of the land covered with the waters of any stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and to erect such wharves, quays, inclined planes, bridges and other works, as to the Company shall seem meet; Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any stream or canal to or across which their Railway shall be carried, and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their Bridge or Viaduct over the same and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subjected to such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of Vessels and Rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Power to occupy wild lands, beaches, &c.

Proviso: as to navigable waters.

Assent of Governor in Council required.

Guage. XVIII. And be it enacted, That the guage of the said Railway shall not be broader or narrower than five feet six inches.

Aliens may vote, &c. XIX. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company, to vote in the same, and shall be eligible to office in the said Company.

Public Act. XX. And be it enacted, That this Act shall be deemed to be a Public Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these Presents, that I, A. B. of
(*here name the wife, if any,*) do hereby, in consideration of
(*here the sum,*) paid to me by the "Port Whitby
and Lake Huron Railway Company," the receipt whereof is
hereby acknowledged, grant, bargain, sell, convey and confirm
unto the said "Port Whitby and Lake Huron Railway Com-
pany," their successors and assigns for ever, all that certain
parcel or tract of land, situated (*here describe the land*) the same
having been selected and laid out by the said Company for the
purposes of their Railway, to have and to hold the said land and
premises together with the hereditaments thereto, to the said
"Port Whitby and Lake Huron Railway Company," their suc-
cessors and assigns for ever. (*Here the dower, if any.*)

Witness my Hand and Seal this day of
one thousand eight hundred and fifty

Signed, sealed and delivered in presence of

A. B. [L. s.]

CAP. CVI.

An Act to incorporate the *Brockville and Ottawa Rail-
way Company.*

[Assented to 22nd April, 1853]

Preamble.

WHEREAS it is highly desirable that a Railway should be
made from the Saint Lawrence at Brockville to the
Ottawa at Pembroke, by the way of the mouth of the Mada-
waska River, and the persons hereinafter mentioned and others
have petitioned that a Company be incorporated for that pur-
pose: Be it therefore enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Legislative
Council and of the Legislative Assembly of the Province of
Canada, constituted and assembled by virtue of and under the
authority

authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-union the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That George Crawford, John Crawford, Charles Edward Jones, Fordyce Lawton Lothrop, Robert Fitzsimmons the younger, George Sherwood, Allan Turner, Robert Edmondson, William Fitzsimmons, Robert Peden, David B. Ogden Ford, James L. Schofield, Ormond Jones, Reuben Powers Colton, William Matthie, John Ross the younger, George Morton, Albert N. Richards, Adiel Sherwood, John Kilborn, Alfred Poulton, Paul Glasford, William Henry Wilson, William Buell and Richard F. Steele, together with such other persons or Corporations as shall under the provisions of this Act become Shareholders in the Joint Stock Company hereby created for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of "The Brockville and Ottawa Railway Company."

Certain persons incorporated.

Corporate name.

II. And be it enacted, That 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," except in so far only as may be inconsistent with any express provision hereinafter made, shall be incorporated with this Act, and shall be included by the expression "this Act" whenever used herein.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

III. And be it enacted, That the said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish a double or single iron Railroad or way, at their own cost and charges, on or over all or any of the following sections, that is to say: on and over any part of the Country from the Saint Lawrence at Brockville to the Rideau at or near Smith's Falls, and thence on and over any part of the Country to or near Arnprior at or near the mouth of the Madawaska River, and thence on and over any part of the Country to the Ottawa River, at or near the Village of Pembroke in the Township of Pembroke; also, a branch thereof from the Rideau at or near Smith's Falls aforesaid to the Town of Perth, if the said Company shall deem it advisable to construct the same.

Line of Railway to be made by the Company.

IV. And be it enacted, That all deeds and conveyances of lands to the said Company for the purposes of this Act shall and

Form of conveyances of

lands to the
Company.

Registration
thereof.

Effect of
Registration.

Fee.

and may, as far as the title and circumstances will admit, be in the form given in the Schedule to this Act marked A, or to that effect, and for the purpose of registering the same, all Registers in their respective Counties are hereby required to be furnished by and at the expense of the said Company with Books with copies of the form given in the said Schedule A, one to be printed on each page leaving the necessary blanks to suit the separate cases of conveyance, and in the said Book to enter and register each such deed and conveyance, upon production thereof and payment of the fee hereinafter mentioned, and proof of execution in like manner *mutatis mutandis*, as is now made under the general registry laws in force in Upper Canada, without any memorial: And the Register shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of a certificate of registry under the general registry laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same, and for such entry, registry and minute thereof as aforesaid the said Register shall be entitled to demand and receive from the said Company the sum of Two Shillings and Six Pence, and no more.

Capital Stock.

Shares.

Application of
Capital.

Proviso: as to
preliminary
expenses of
Survey.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Five Hundred Thousand Pounds, to be divided into one hundred thousand Shares of Five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for any Municipality interested in the said Railway to pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

First Direc-
tors appointed.

VI. And be it enacted, That George Crawford, William Matthie, David B. Ogden Ford, George Sherwood, James Shaw, Robert Bell, Robert M. Watson, Andrew Dickson, James L. Schofield, Charles E. Jones, Reuben P. Colton and Albert N. Richards shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office

office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the Shares subscribed in such Books, and call a meeting of Shareholders for the election of Directors in the manner hereinafter provided.

Powers and
term of office.

VII. And be it enacted, That when and so soon as one fifth of the said capital stock shall have been subscribed as aforesaid, it shall be lawful for the said Directors or a majority of them, to call a meeting of the holders of such Shares at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more Newspapers published in Brockville and in the United Counties of Lanark and Renfrew, at which said General Meeting and at the Annual General Meeting in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors in the manner and qualified as hereinafter provided, which said twelve Directors shall, with the *ex officio* Directors under the Railway Clauses Consolidation Act, constitute a Board of Directors, and the Directors so elected shall hold office until the first Monday in February, in the year following their appointment.

First General
Meeting and
Election of
Directors.

Term of office.

VIII. And be it enacted, That on the said first Monday in February, and on the first Monday in February in each year thereafter, at the office of the said Company, at Brockville, there shall be holden an Annual General Meeting of the Shareholders of the said Company, at which and by whom there shall be chosen and elected by the private Shareholders in the respective proportions hereinafter provided, twelve Directors for the ensuing year in the manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and Election shall be published one month before the day of Election in the *Canada Gazette*, and also once fifteen days before the Election in one Newspaper in each Town or Village upon the line of the said Road in which a Newspaper shall be published; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the said private Shareholders shall determine the election by another or other votes until a choice is made; and that the said twelve Directors shall, together with the *ex officio* Directors, under the Railway Clauses Consolidation Act, form the Board of Directors.

Annual General Meetings,
and Election
of Directors.

Notice.

IX. And be it enacted, That seven Directors shall form a *Quorum* for the transaction of business: Provided always, that the Directors may employ one of their number as a paid Director.

Quorum.
Proviso.

Qualification
of Directors.

X. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of One Hundred and Twenty-five Pounds, and who shall have paid up all calls on such Stock.

One vote for
each share.
Proviso.

XI. And be it enacted, That each Shareholder shall be entitled to one vote for every share he she or they may hold in the said Company: And provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

Instalments
how called
in, &c.

XII. And be it enacted, That no instalment or call on Shares of the Capital Stock of the said Company shall exceed ten per cent on the amount of such Shares, and at least thirty days' notice of each call shall be given in such manner as the Directors shall appoint.

Company
may be parties
to Bills of
Exchange,
Notes, &c.
and how.

XIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or indorsed or any such Bill of Exchange drawn, accepted or indorsed by the President of the Company or Vice President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of the Directors, shall be binding upon the said Company: And every such Promissory Note or Bill of Exchange so made, drawn, accepted or indorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President or the Secretary and Treasurer of the said Company so making, drawing, accepting or indorsing any such Bill of Exchange or Promissory Note be thereby subjected individually to any liability whatever: Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank.

Proviso.

Company
may take
wild lands,
beaches, &c.

XIV. And be it enacted, That it shall and may be lawful for the said Company with the permission of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild land of the Crown not theretofore granted or sold, lying on the route of the said

said Railway, as may be necessary for the said Railway; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharfs, quays, inclined planes, bridges, cranes and other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; and by any such Regulation the Governor in Council may impose penalties not exceeding Ten Pounds for any contravention thereof, nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Proviso: not to impede navigation of Rivers, &c.

Regulations to be made by Governor in Council.

XV. And be it enacted, That by and with the leave of the Town Council of Brockville for that purpose first had and obtained, it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway as part of or in connection with its water depôt on the St. Lawrence, so much of the market square in the centre of the said Town of Brockville as lies between Water Street and the St. Lawrence.

Certain ground in Brockville, may be taken by Company.

XVI. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

Aliens may vote, hold office, &c.

XVII. And be it enacted, That the simple execution of any conveyance under this Act by any married woman, with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein if the same be owned by her, without any other ceremony or formality whatever.

As to barring Dower.

XVIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State, for leasing

Company empowered to agree with

other Companies as to services to be performed by one Company for the other.

leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railway or of the moveable property of the said Company, or of the Railway and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Railway between this Province and a foreign State, shall for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

Cars of foreign Companies brought into this Province by Company.

Inconsistent laws repealed.

XIX. And be it enacted, That all provisions of law inconsistent with this Act are and shall be repealed from the passing thereof.

Public Act.

XX. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

SCHEDULE A.

Form of Conveyance.

Know all men by these presents that I, A. B., of *(and here name the wife, if any)* in consideration of *(name the sum)* paid to me by the Brockville and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do hereby grant unto the Brockville and Ottawa Railway Company and their Assigns for ever, all that certain piece of land situate *(describe the land)* the same having been selected and laid out by the said Company for the purposes of their Railway.

Witness Hand and Seal, this day of A. D., one thousand eight hundred and

Signed, sealed and delivered in presence of

C A P .

C A P. C V I I .

An Act to incorporate "The Stanstead, Shefford and Chambly Railroad Company."

[Assented to 22nd April, 1853.]

WHEREAS Ichabod Smith, Alexander Kilborn, Stephen Sewell Foster, John Gilman, Moses F. Colby, Esquires, and others, have petitioned the Legislature for an Act of Incorporation to construct a Railroad from the Province line in Stanstead by the outlet of Memphramagog Lake to Shefford, and from thence in the general direction of Chambly to the Saint Lawrence River, opposite the City of Montreal; And whereas it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That Ichabod Smith, John Gilman, John Yule, Alexander Kilborn, Wilder Pierce, Edmund Longley, Alonzo Wood, Horace Stewart, Lewis E. Rose, Wright Chamberlin, Francis Judd, Robert Nicol, Patrick Hacket and Horace Lyman, Esquires, together with such other persons or Corporations as shall become Subscribers and Shareholders in such Joint Stock Company as is hereinafter mentioned, their heirs, successors, administrators and assigns, being such Shareholders shall be and are hereby ordained, constituted and declared to be a Corporation, Body Corporate and Politic, in fact by and under the name and style of "The Stanstead, Shefford and Chambly Railroad Company."

Preamble.

Certain persons incorporated.

Corporate name.

II. And be it enacted, That 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" shall be incorporated with this Act, and the expression "this Act," when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act; and subject always to the following modification of sub-section nine of the tenth Section of "The Railway Clauses Consolidation Act," that is to say,

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

Modification of sub-section 9 of sect. 10.

that the lands to the extent of twenty acres for Stations, Depots and other works wheresoever they may be necessary, may be taken by the said Company, subject, however, to the provisions of the said Act in that behalf.

General Line
of the Railway
to be made by
Company.

III. And be it enacted, That the said Company and their agents and servants shall have full power and authority under this Act to lay out, construct, make and finish a double or single iron Railway, at their own cost and charges, of such width or gauge as the said Company see fit, from such point on the Saint Lawrence River, opposite the City of Montreal, as the Directors of the said Company for the time being may think most advantageous, and as will best enable the said Company to avail themselves of the benefits and advantages to be derived from the Bridge which may be hereafter constructed over the said River Saint Lawrence, at or near the City of Montreal, thence in the general direction of Chambly and Shefford to the outlet of Memphramagog Lake, and from thence to the Province line in Stanstead, at such point as shall best ensure a speedy connection with "The Passumpsic and Connecticut Rivers Railroad," to be constructed in the State of Vermont to the Province line at Stanstead, or with such other Vermont Railroad as may be constructed to the Province line at Stanstead; and the said Company shall have power and authority to construct the different sections of the said Railway in such order as they see fit, keeping in view the general direction as hereinbefore provided; Provided, however, that the *termini* shall be the Province line at Stanstead and the Saint Lawrence River opposite the City of Montreal.

Proviso.

Capital Stock.

IV. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Seven Hundred and Fifty Thousand Pounds, to be divided into thirty thousand shares of Twenty-five Pounds each, which amount shall be raised by the persons hereinbefore named and such other persons and Corporations as may become Shareholders in such Stock, and the money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, City, Town or Township interested in the Railway or otherwise, to pay out of the General Funds of such Municipality, such preliminary expenses, which sums shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Shares.

Application
of Capital.

Proviso.

V. And be it enacted, That John Yule, John Gilman, Horace Stewart, Horace Lyman, Alexander Kilborn, Ichabod Smith, Edmund Longley, Stephen Foster, the younger, Albert Knight, Eusebe H. Frechette, L. S. Huntingdon, Francis Dudd, and Joseph Allard, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected under the provisions of this Act by the Shareholders, and shall have power and authority immediately after the passing of this Act to open Stock Books, and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided to call a General Meeting of Shareholders for the election of Directors.

First Directors named.

Their powers and term of office.

VI. And be it enacted, That the said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscriptions of parties desirous of becoming Shareholders in the said Company, and all persons subscribing to the Capital Stock of the said Company shall be considered proprietors and partners in the same.

Directors to open Stock Books.

VII. And be it enacted, That when and so soon as one-sixth part of the said Capital Stock shall have been subscribed, as aforesaid, it shall and may be lawful for the said Directors or a majority of them to call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more Newspapers published in the City of Montreal, and in the Counties through which the said Railroad shall pass, at which said General Meeting, and at the Annual General Meetings in the following Sections mentioned, the Shareholders present either in person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, which said nine Directors shall constitute a Board of Directors, and shall hold office until the first Monday in March in the year following their election.

First General Meeting, and Election of Directors.

VIII. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, at the principal Office of the said Company, there shall be holden a General Meeting of Shareholders of the said Company, at which meeting the said Shareholders shall elect nine Directors for the then ensuing year in manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and Election shall be published one month before the day of election in one or more Newspapers published in the Towns or Counties along the line of Railroad, and the elections for Directors shall be by Ballot, and the persons so elected together with the *ex officio* Directors under "The Railway Clauses Consolidation Act," shall form the Board of Directors.

Annual General Meetings, and Election of Directors, &c.

IX. And be it enacted, That five Directors shall form a *quorum* for the transaction of business, and the said Board of Directors

Quorum.

Directors

Proviso: Qualification. Directors may employ one or more of their number as paid Director or Directors ; Provided, however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the Stock of the said Company, and shall have paid up all calls on the said Stock.

One vote for each share. X. And be it enacted, That in the elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each Shareholder shall be entitled to as many votes as he holds Shares upon which the calls have been paid up.

Calls for Stock. XI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each Share which they or any of them may hold in the Capital Stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's notice thereof, in such manner as the Directors may appoint.

Limitation.

Form of conveyances to Company. XII. And be it enacted, That all deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule A, to this Act subjoined, or in any other form to the like effect, and for the purposes of due enregistration of the same, all Registrars in their respective Counties, are required to be furnished by and at the expense of the said Company with a Book with a copy of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the Deed, and the Registrar shall charge and receive from the said Company for all fees on every such enregistration, Two Shillings and Six Pence and no more, and such enregistration shall be deemed to be valid in law ; any Statute or provision of law to the contrary notwithstanding.

Registration.

Fees.

Company may be parties to Bills and Notes, and how. XIII. And be it enacted, That the said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed or any such Bill of Exchange drawn, accepted or endorsed by the President or Vice President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a *quorum* of the Directors, shall be binding on the said Company, and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange,

Exchange, nor shall the said President or Vice President, or the Secretary and Treasurer be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have issued without the sanction and authority of the Board of Directors as herein provided and enacted; Provided, however, that nothing in this Section shall be construed to authorize the said Company to issue any Notes or Bills of Exchange payable to bearer or intended to be circulated as money or as the Notes or Bills of a Bank.

XIV. And be it enacted, That the Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of the majority of the Stockholders in the said Company, present at any Annual Meeting in the month of March, for the purpose of electing Directors, to issue their Bonds, made and signed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer, and under the Seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; Provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after twenty-five per cent. of the whole Capital Stock of the said Company as provided by this Act, shall have been expended in and upon the said Railway, and provided also, that the whole amount raised by such Bonds shall not exceed Five Hundred Thousand Pounds.

Proviso.

Company may issue Bonds for money borrowed.

Privilege attached to such Bonds.

Proviso.

Proviso.

XV. And be it enacted, That in case of neglect or refusal to pay the Toll or Freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the mean time such goods shall be at the risk of the owner, and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods are not of a perishable nature and shall remain unclaimed for twelve months, the Company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the proceeds of the sale, after paying the said Freight and the costs of sale, shall be handed over to the owner if he shall claim the same.

Mode of enforcing payment of freight and Tolls.

XVI. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company, either in this Province or in any Foreign State, for leasing the said Railway or any part thereof or the use thereof, at any time or times to such other Company, or for leasing or hiring from such other Company any Railroad or part thereof or the use thereof, or for the leasing or hiring any Locomotives,

Company may agree with other Companies as to services to be performed by one Company for the other.

Tenders

Tenders or moveable property, and generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies of the Railroad or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any Foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company and intended to pass regularly along the said Railway between this Province and a Foreign State, shall for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

As to Foreign
Cars, &c.

Power to unite
or form con-
nection with
any other
Company.

XVII. And be it enacted, That the Directors of the said Company elected by the Shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any Branch or Branches to facilitate a connection between this Company and such other Chartered Railway Company, and shall have full power and authority to negotiate with any Company having the chartered right of constructing a Bridge across the St. Lawrence River at or near the City of Montreal, for the right of using the said Bridge for the purposes of the Railway, and the advantage and benefit of the Company hereby incorporated.

Power to take
wild lands,
&c. not to im-
pede naviga-
tion of any
River, &c.

XVIII. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, any wild lands of the Crown along the line of the said Railway which may be necessary for the said Railway, with the consent of the Governor in Council, and also so much of the land covered with the waters of any river, stream, lake or canal as may be necessary for the works of the said Railway, provided that if the said railway shall cross any navigable river or canal, it shall not be lawful for the said Company to obstruct the navigation of such river or the use of such canal, save and except under and subject to such rules and regulations as may be made from time to time by the Governor in Council with reference to draw or swing-bridges for the passage of vessels, boats or rafts. And provided further that the said Company may if they think proper to purchase the Bridge built by John Yule the Younger, over the River Richelieu in the vicinity of the Village of Chambly, and if they can agree with him as to the indemnity to be paid therefor (but not without his consent) acquire from him the said Bridge and all the rights and privileges whatsoever thereunto relating or there-with connected and to him belonging; and the same if so acquired shall thereafter be vested in the said Company, and may

Power to pur-
chase Yule's
Bridge, &c.

may be held and exercised by them as fully and effectually to all intents and purposes as they now are or can be by the said John Yule the Younger.

XIX. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, and to vote on the same and to be eligible to office in the said Company. Aliens may vote, &c.

XX. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway assume the possession and property thereof, and of all the property which the said Company is empowered to hold, and of all the rights and advantages vested in the said Company, upon giving four months' notice of the intention to assume the said Railway and works. Province may assume the Railway.

XXI. And be it enacted, That in the event of such assumption as aforesaid, the said Company shall make out and submit to the Provincial Government a statement and account in writing of all moneys then expended and all their ascertained liabilities, and the Provincial Government shall within four months from the time of receiving the said account pay to the said Company the amount of money so expended, and the amount of such liabilities, with interest at six per cent, and with an addition of ten per cent., and the Government shall also from time to time pay all such liabilities as shall be further ascertained and established against the said Company: Provided always that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two arbitrators, one to be named by the Government the other by the Company, and in case of a disagreement such difference shall be referred to an umpire to be chosen by such arbitrators before entering into the consideration of the said difference, and that the said award so made by the arbitrators or the umpire shall be final, and provided also that in case of refusal by the Company to appoint an arbitrator on their behalf, the same shall be appointed by any two of the Judges of the Superior Court. Terms of such assumption.

Proviso: for Arbitration in case of difference.

XXII. And be it enacted, That this Act shall be a Public Act. Public Act.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., of do hereby, in consideration of paid to me by the Stanstead, Shefford and Chambly Railroad Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Stanstead, Shefford and Chambly Railroad

Railroad Company, their successors and assigns, all that tract or parcel of land, (*describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railroad. To have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my Hand and Seal, this day of
one thousand eight hundred and

Signed, sealed and delivered, in presence of

A. B. [L. s.]

C A P . C V I I I .

An Act to incorporate *The Brockville Gas Light Company.*

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS it is desirable to provide a cheap and effective mode of Lighting the streets, squares and places in the Town of Brockville, as well as the shops and private dwellings therein; And whereas the several persons hereinafter named have by their petition prayed that they and such others as now are or hereafter may be associated with them in their undertaking may be incorporated as a Company, under the style and title hereinafter also mentioned, for the purpose of supplying the said Town with Gas Lights; And whereas the Council of Brockville have signified their assent to the establishment of the said Company, for the general benefit of the inhabitants of the said Town; And whereas a large number of the shares of stock of the said Company has been already subscribed for, and at a general meeting of the holders of such stock held on the fifteenth day of February, in the present year, pursuant to notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company, until others shall be elected in their stead under the provisions of this Act, namely, David B. Ogden Ford, Allan Turner, John Ross, the younger, George Sherwood, James L. Schofield, Sidney Jones and Richard F. Church, and at a subsequent meeting of the Directors above mentioned they did from among their own number elect the said David R. Ogden Ford, to be President, and the said James L. Schofield, to be Vice President of the said Company, and the said Petitioners desire that the above named President, Vice President and other Directors, should continue in office and be confirmed as such until others shall be elected in their stead under the provisions of this Act; And whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of

of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That David B. Ogden Ford, George Sherwood, James L. Schofield, Allan Turner, Sidney Jones, Richard F. Church, John Ross, the younger, James Perry, Ormond Jones, Albert N. Richard, Richard F. Steele, William B. Simpson, Robert Peden, William Gilmour, Robert Shepherd, Alfred Poulton, Thomas Smart, or such of them and such other persons as now are or shall hereafter become shareholders in the Company hereby established, shall be and are hereby ordained and constituted a body corporate and politic by the name of *The Brockville Gas Light Company*, and by that name they and their successors, being such shareholders, shall and may have perpetual succession and a Common Seal with full power to make, change, break or alter the same at their pleasure, and shall and may by the same name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall and may have full power to purchase, take and hold personal and real property for the purposes of the said Company and for the erection, construction and convenient use of their Gas Works, and also to sell and alienate such personal and real property, and to purchase, take and hold other instead thereof for the purposes and uses aforesaid; Provided always, that such real property to be holden by the said Company shall be so holden for the purposes and business of the said Company as hereinbefore mentioned, and for no other purposes whatsoever, and that the total yearly value of the real property to be so holden at one time shall not (over and above the value of the Works thereon erected) exceed Five Hundred Pounds currency.

Certain persons incorporated.

Corporate name and general powers.

Proviso: as to real property.

II. And be it enacted, That the said Company may raise and contribute among themselves such sum as shall not exceed the sum of Four Thousand Pounds currency, in shares of Ten Pounds currency each; and the money so raised shall be appropriated to the purpose of constructing completing and maintaining their said Gas Works, and to the purposes of this Act, and to no other object or purpose whatever; Provided always, that if the said sum of Four Thousand Pounds currency should be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding Four Thousand Pounds currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of Ten Pounds currency each; Provided also, that in the event of difficulty arising in procuring subscribers for such increase of capital it shall be lawful for the Directors for the time then being of the said Company to borrow a sum or sums of money for the purposes aforesaid, not exceeding the sum of Three Thousand Pounds currency, and to pledge and hypothecate the property and income of the said Company

Capital Stock. Shares.

Application.

Proviso: for increase of Capital.

Proviso: Company may borrow money in case of difficulty.

Company for the repayment of the sum so borrowed and the interest thereon.

Term of office
of first Presi-
dent, &c.

III. And be it enacted, That the President, Vice President and Directors hereinbefore named shall continue in office until others shall be elected in their stead under the provisions of this Act, unless they shall sooner resign, be removed or become disqualified under the provisions of this Act.

First General
Meeting.

IV. And be it enacted, That the first general meeting of the subscribers to the stock of the said company shall be held on the first Monday in March, in the year of our Lord one thousand eight hundred and fifty-four; and a general meeting on the first Monday in March in each year thereafter, and at such place and hour as shall be appointed by the By-laws of the Company then in force, to choose by ballot and by a majority of votes seven persons, being each a proprietor of not less than two shares in the stock of the said Company, as Directors for managing the affairs of the said Company; which seven Directors shall continue in office until the next general election of Directors.

Election of
Directors.

Term of office.

Quorum of
Directors.

V. And be it enacted, That any four of the said Directors shall form a quorum for the transaction of business, and any majority of such quorum, assembled according to the provisions of this Act and the By-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence the Vice President, or in the absence of both, a Chairman chosen by the Directors present *pro tempore*, shall preside at the meetings of the Directors.

Who shall
preside at their
Meetings.

Annual General
Meetings.

VI. And be it enacted, That at the general meetings of the shareholders to be held annually for the purpose of electing Directors as aforesaid, on the first Monday in the month of March in each year, and before the election of new Directors, the Directors for the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President or Vice President under his hand. Provided always, that in the event of there being no election of Directors on the first Monday in March in any year, in consequence of the said shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case the Directors of the previous year shall continue and remain in office until an election shall take place at a future special meeting of the said shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Accounts.

Proviso: case
of failure of
Election pro-
vided for.

Election of
President and
Vice Presi-
dent.

VII. And be it enacted, That the Directors elected as aforesaid shall, at their first meeting after such election, choose out of their number a President and Vice President, who shall hold their

their offices respectively until the next election of Directors; and it shall be lawful for the said Directors from time to time in case of death, resignation, residence without the Province, disqualification (and any person disqualified to be elected shall be disqualified from remaining in office) or the removal from office of any person so chosen to be President or Vice President or Director, or either of them, to choose in their or his stead from among the said Directors another person or persons to be President or Vice President, or from among the other qualified shareholders another person or persons to be Director or Directors respectively, to continue in office until the next annual election as aforesaid. Provided always, that on such occasions the Directors shall always vote *per capita* and not according to the number of shares they hold, and the President or person presiding at any meeting of the Directors or of the shareholders shall, in case of a tie, have a casting vote.

Vacancies in office of President, or Directors, how filled.

Proviso: as to votes of Directors.

VIII. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable; and also shall and may have the power to make and repeal or alter such By-laws, to be binding upon Members of the Company or their servants, as shall appear to them proper and needful, touching the well ordering of the said Company, the management and disposition of its stock, property, estate and effects, the calling of special meetings of its shareholders or of meetings of the Directors, and other matters connected with the proper organisation of the said Company and the conduct of the affairs thereof; and also shall and may have the power to make calls for instalments on shares, subject to the provisions hereinafter made; and to declare such yearly or half yearly dividends out of the profits of the said undertaking as they may deem expedient; and to make contracts on behalf of the Company or by such By-laws to empower the President, Vice President or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the Common Seal of the Company to such contracts; and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided. Provided always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers hereby granted, nor repugnant to the laws of this Province, and shall, before they shall have force, be approved by the shareholders at some annual or special meeting, at which such shareholders shall have full power to alter or amend the same; and provided also, that until it be otherwise ordered by the By-laws of the Company, a special meeting of the shareholders may be called by the Directors, or in their default on being thereunto requested by at least ten of the stockholders

Powers of Directors.

Officers.

By-laws.

Meetings.

Calls.

Dividends.

Contracts.

General power.

Proviso: as to By-laws.

Proviso: as to Special Meetings.

being

Notice.

being proprietors together of not less than one hundred shares of the stock of the said Company then by such ten (or more, as the case may be) stockholders; the Directors or stockholders giving at least four weeks' notice thereof in at least one of the public newspapers of the town of Brockville, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proxies allowed.

IX. And be it enacted, That shareholders may vote by proxy duly appointed in writing, or in person, and all elections shall be by ballot, and all questions to be decided at any annual or special meeting of the stockholders shall be so decided by a majority of votes, and on every occasion when the votes of the shareholders are to be given each shareholder shall, for every share under and not exceeding twenty, have one vote, and for shares exceeding twenty, one vote, for every three shares; and no shareholder shall be entitled to give a greater number of votes than thirty.

Proportion of votes to shares.

What subscriptions shall be valid.

X. And be it enacted, That all subscriptions for shares in the capital stock of the said Company, or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid and binding on the shareholder, whether made before or after the passing of this Act, and the several persons who have subscribed, or who may hereafter subscribe for shares in the said undertaking or Company, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons and at such times and places as shall be directed or required by the Directors; and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of Law in this Province, having jurisdiction in civil cases to the amount; and in any such action, whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock, (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount, and in any such action it shall be sufficient to maintain the same that the signature of the defendant to some book or paper, by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking be proved by one witness, whether in the employment of the Company or not, and that the number of calls in arrear have been made; and the suit may be brought in the corporate name of the Company.

Paying calls.

Recovery of calls.

What only need be alleged or proved in actions for calls.

XI. And be it enacted, That no one instalment to be called for or paid on account of the shares in the stock of the said Company shall exceed Two Pounds currency on each share, and notice thereof and of such call shall be given by advertising in at least one newspaper published in Brockville aforesaid, during at least four weeks before such instalment shall be payable. Provided always, that no instalment shall be payable except after the lapse of a fortnight from the time when the last instalment was payable ; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so called for or paid in as aforesaid at the time or place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten nor less than five per cent on the amount of his or their respective share or shares, and if such person or persons shall refuse or neglect to pay his or their proportion of such instalments or such forfeiture or forfeitures, for the space of two calendar months after the time fixed by the Directors for the payment thereof, then and in that case such person or persons shall be liable to forfeit his or their respective share or shares, upon which former instalments shall have been paid, and such share or shares shall be liable to be sold by order of the Directors by public auction, and in the event of such sale the proceeds of the sale, after deducting costs and the forfeiture or forfeitures above mentioned, shall be paid over to such defaulter, and the President or Manager of the Company shall have power to transfer the stock to the purchaser or purchasers thereof. Provided always, that no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some general or special meeting of the shareholders, assembled at any time after such forfeiture shall have been incurred, and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Gas Works in respect of the stock so forfeited.

Calls limited.

Notice.

Proviso.

Forfeiture for neglect to pay calls, and how enforced.

Proviso: forfeiture must be declared at a General Meeting.

XII. And be it enacted, That the shares in the stock of the said Company shall be assignable and transferable according to such rules and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders ; Provided always that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws.

Shares to be transferable, and how.

Proviso.

Powers of the Company for carrying on their works, opening streets, laying pipes, &c.

Duties of Company in the exercise of such powers.

Penalty for neglect.

Powers to carry pipes over or through private property in certain cases.

Satisfaction to be made.

XIII. And be it enacted, That it shall and may be lawful for the said Company after two days' notice in writing to the Mayor of the town of Brockville, or in his absence to the Town Clerk; to break up, dig and trench so much and so many of the streets, squares and public places of the said town of Brockville as may at any time be necessary for laying down the mains and pipes to conduct the Gas from the works of the said Company to the consumers thereof, or for taking up, renewing, altering or repairing the same when the said Company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares and public places, while the works are in progress, and making the said openings in such parts of the said streets, squares and public places as the Town Surveyor under the directions of the Council of the said town shall reasonably permit and point out; also placing guards or fences with lamps, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work without any unnecessary delay; and in case of the neglect of any of the duties herein provided as aforesaid; the said Company shall be subject to pay a fine of One Pound currency for every day such neglect shall continue after receiving a legibly written notice thereof, to be recovered by civil action in any Court of Law of competent jurisdiction at the suit of any person or persons, or of the Corporation of the town of Brockville; to and for the use of the said Corporation; over and above such damages as may be recovered against the said Company by any other party.

XIV. And be it enacted, That where there are buildings within the said town of Brockville, the different parts whereof shall belong to different proprietors; or shall be in possession of different tenants or lessees, the said Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the Gas to that of another, or in possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same; the said Company doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the Company or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

XV.

XV. And be it enacted, That the said Company shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated, as in no wise to endanger the public health, convenience or safety; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said town, shall moreover be at all reasonable times subject to the visit and inspection of the Municipal authorities thereof or their Officers, reasonable notice thereof being previously given to the said Company; and the said Company and their servants or workmen shall at all times obey all just and reasonable orders and directions they shall receive from the said Municipal authorities in that respect, under a penalty of not more than Five Pounds nor less than One Pound currency for each offence in refusing or neglecting to obey the same, to be recovered from the said Company at the suit and for the use of the town of Brockville, in any Court of competent civil jurisdiction, except a Court constituted under and by virtue of any Act or Acts incorporating the town of Brockville.

Gas Works to be so constructed and located as not to injure the public health.

Company to obey directions of Municipal authorities.

XVI. And be it enacted, That it shall be lawful for the said Company from time to time to make, construct, lay down, maintain, alter or discontinue such retorts, gasometers, receivers and buildings, cisterns, engines, machines and other apparatus, cuts, drains, sewers, water courses, reservoirs, machinery and other works, and also such houses and buildings upon the lands hereby authorized to be held and purchased by the said Company, and do all other acts necessary and convenient as they shall think proper for supplying the inhabitants within the limits of this Act with Gas; and also to sell, dispose of or manufacture the refuse of any such gas, and any coke, tar, surplus coal or coal not found to answer for making gas.

Further powers for carrying on works,

Selling certain articles.

XVII. And be it enacted, That it shall be lawful for the Company to lay any pipes, branches or other necessary apparatus from any main or branch pipe into, through or against any building for the purpose of lighting the same, and to provide and set up any apparatus necessary for securing to any buildings a proper and complete supply of Gas, and for measuring and ascertaining the extent of such supply.

Fixing service pipes.

XVIII. And be it enacted, That it shall be lawful for the said Company to sell, lease or hire meters, interior or service pipes or gas fittings of any kind, and no service pipes, fittings or meters belonging to the said Company shall be subject to be distrained for rent due to any landlord or be seized in execution for any debt due by any person or persons, to or for whose use or the use of whose house or building the same may be supplied by the Company; any law or practice to the contrary notwithstanding.

Selling or leasing Gas fittings.

Penalty for
injuring
meters, pipes,
&c. of the
Company.

XIX. And be it enacted, That if any person shall wilfully damage or cause to be damaged any meter, service pipes or fittings belonging to the said Company, or shall wilfully alter or impair the same so that the meter or meters shall indicate less gas than actually passes through the same, such person shall forfeit for every such offence a sum not less than One Pound nor exceeding Five Pounds and costs, and shall also defray all expenses necessary in repairing or replacing the said meter, pipes or fittings.

Contract for
lighting the
Town.

XX. And be it enacted, That it shall be lawful for the said Company to contract on such terms and for such periods as may be thought proper with the Corporation of the town of Brockville, for lighting the streets, squares and public buildings and places of the said town with Gas, at such reasonable rates and prices for the general benefit of the town as may be mutually agreed on.

Punishment of
persons wil-
fully injuring
works or
wasting Gas.

XXI. And be it enacted, That if any person shall wilfully remove, destroy, damage, fraudulently alter or in any way injure any pipe, pedestal, post, plug, lamps or other apparatus or thing belonging to the Company or to any person, or shall wilfully extinguish any of the public lamps or lights, or waste or improperly use or suffer to be used any of the Gas supplied by the Company, he shall forfeit and pay for every such offence the penalty and expenses mentioned in the nineteenth section of this Act.

Liability of
persons care-
lessly dama-
ging works,
&c.

XXII. And be it enacted, That if any person shall carelessly or accidentally break, throw down or damage any meter, pipe, pedestal or lamp supplied by or belonging to the Company or any person, or keep the light or lights burning for a longer time than he shall contract to pay for, and shall not on demand make satisfaction to the Company or to such person for the damage done or the excess of Gas obtained and used, then it shall be lawful for any Justice of the Peace to summon before him the person against whom any such complaint shall be preferred, and for any two or more Justices upon hearing the allegations and proofs on both sides, or on non appearance of the person complained against (after proof of his being duly summoned) to award such sum of money by way of damages to the Company, or to such person, as the case may require and the said Justices may deem reasonable, together with the costs, and in case of a neglect or refusal to pay any sum or sums so awarded within three days after such award, it shall be lawful for any one of the said Justices to issue his Warrant to cause the same to be levied of the goods and chattels of the person so convicted.

Company
may cut off
Gas from per-

XXIII. And be it enacted, That if any person or persons, company or companies or body corporate supplied with Gas by the Company shall neglect to pay any rate, rent or charge due

due to them at any of the times of payment thereof, it shall be lawful for the Company, or any person acting under their authority, to stop the Gas from entering the premises, service pipes or lamps of any such person, company or body, by cutting off the service pipe or pipes, or by such means as the said Company shall think fit, and to recover the said rate, rent or charge, together with the expences of cutting off the Gas, in any competent Court by action of debt.

sons not paying.

XXIV. And be it enacted, That in all cases where it shall be lawful for the said Company to cut off and take away the supply of Gas from any house, building or premises under the provisions of this Act, it shall be lawful for the Company, their agents or workmen, upon giving twenty-four hours' previous notice to the occupier or person in charge, to enter into any such house, building or premises between the hours of nine in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and to remove, take and carry away any pipe, meter, cock, branch or apparatus the property of and belonging to the said Company, and also to enter as aforesaid between the hours aforesaid, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter or examining and repairing any meter, pipe or apparatus belonging to the said Company or used for supplying their Gas.

Entering premises, to cut off Gas, remove pipes, &c.

Or for repairing works.

XXV. And be it enacted, That if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Company, or in any way obtain or use its Gas, or furnish or suffer it to be furnished to others without the consent of the Directors, or their Officer appointed to grant such consent, he, she or they shall forfeit and pay to the said Company the sum of Twenty-Five Pounds, and also a further sum of One Pound for each day such pipe shall so remain, which said sum, together with the costs of suit in that behalf incurred, may be recovered by the said Company by civil action in any Court of competent civil jurisdiction.

Penalty for obtaining Gas, without consent of Company.

XXVI. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down or damage, injure, put out of order or destroy any main pipe, pipe or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided or which shall be made and provided for the purposes aforesaid, or any of the materials used and provided for the same or ordered to be erected, laid down or belonging to the said Company, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall increase the supply of Gas agreed for with the said Company by increasing the number or size of the holes in the Gas burners, or otherwise

Punishment of persons wilfully damaging works of the Company, &c.

wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof the Court before whom such person shall be tried and convicted shall have power and authority to condemn such person to pay a penalty not exceeding Ten Pounds currency, or be confined in the Common Gaol of the County or United Counties for a space of time not exceeding three months, as to such Court shall seem meet.

Proceeding if the Company neglect to replace pavements, or to keep streets passable, &c.

XXVII. And be it enacted, That in case the said Company shall open or break up any street, square or public place in the said town, and shall neglect to keep the passage of the said street, square or public place as far as may be free and uninterrupted, or to place guards or fences, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close or replace the said streets, squares or public places without unnecessary delay as hereinbefore provided; the Town or Street Surveyors under the direction of the said Council of the Town, after notice in writing to the said Company, shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said Company on its being demanded by the Town or Street Surveyor at any time not less than one month after the work shall have been completed in any case, from the President or Manager of the said Company, or in default of such payment the amount of such claim shall and may be recovered from the said Company at the suit of the Town of Brockville, by civil action in any Court of competent jurisdiction.

Notice to Company, &c.

Act not to prevent any person from making Gas for his own use, &c.

XXVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons from constructing any works for the supply of gas to his or their own premises, or to prevent the Legislature of this Province at any time hereafter from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Company, or from incorporating any other Company for like purposes.

Rights of Crown, &c. saved.

XXIX. And be it enacted, That nothing herein contained shall affect or be construed to affect in any way or manner whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person or persons such only excepted as are herein mentioned.

Provision if the Town be enlarged.

XXX. And be it enacted, That in case the present limits of the Town of Brockville be enlarged by legal authority; it shall be lawful for the said Company to extend their operations over any such enlarged limits or the future liberties of the said town, and the provisions of this Act shall in all respects be applicable to any such enlarged limits or liberties in the same manner and to the same effect as they are made applicable to the present limits of the Town of Brockville.

XXXI.

XXXI. And be it enacted, That unless where otherwise specially provided, the penalties to be imposed under the authority of this Act shall be recoverable with costs by complaint before any Justice of the Peace, and on conviction upon the oath of one or more witnesses, or by the confession of the party complained of, and in default of payment of any such penalty and costs, it shall be lawful for the said Justice to issue his Warrant for the distress and sale of the goods and chattels of the offender or for his imprisonment in the gaol of the United Counties of Leeds and Grenville, for any period not exceeding one month, unless the said penalty and costs be sooner paid; and such penalty shall be accounted for by any such Justice in the same manner as is provided for by an Act passed in the fourth and fifth years of Her present Majesty's Reign, intituled, *An Act to require Justices of the Peace to make returns of convictions and fines, and for other purposes therein mentioned.*

Penalties how recoverable, and to what purposes applicable, to be accounted for under 4 & 5 V. c. 12.

XXXII. And be it enacted, That whenever the word 'oath' is used in this Act, it shall be held to comprehend an affirmation if legally made, and the word 'person' or 'persons' shall be taken to comprehend a body politic or corporate, or its lawful agent or agents, as well as an individual, and every word importing the singular number shall, when necessary, be deemed to extend to several persons or things, and every word importing the masculine gender shall, when necessary, extend to a female as well as a male.

Interpretation clause.

XXXIII. And be it enacted, That the Gas Works hereinbefore mentioned shall be in operation within five years from the passing of this Act, and in default thereof the privileges and advantages granted by this Act shall cease, and be of no effect.

Gas works to be in operation by a certain time.

XXXIV. And be it enacted, That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such by all Judges, Justices and Courts in this Province.

Public Act.

XXXV. And be it enacted, That this Act shall be and remain in force for fifty years, and no longer.

Duration of Act.

C A P . C I X .

An Act to amend the Charter of *The City of Toronto Gas Light and Water Company.*

[Assented to 22nd April, 1853.]

WHEREAS *The City of Toronto Gas Light and Water Company* have petitioned for certain amendments in their Act of Incorporation, and it is expedient to grant the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority

Preamble.

authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the name and style of the said Company shall, from the passing of this Act, be changed to and be *The City of Toronto Water Company*, and under such name, the said Company shall have and enjoy all the corporate and other rights and privileges of all kinds now held by the said *The City of Toronto Gas Light and Water Company*;

Name of the Company changed.

Proviso: property limited.

Proviso: as to effect of such change of name.

Provided always, that the lands and real estate, held or to be held by the said Company for the purposes of their incorporation and business, shall not exceed, at any time, the annual value of Three Thousand Pounds currency: Provided further, that no deeds, contracts, bargains, dealings and agreements, suits, acts and proceedings, shall be in any way avoided, vitiated, abated or affected by the said change of name of the said Company, but the same shall, in every way, be held to be and shall be valid and effectual to, for and with the said *The City of Toronto Water Company*, in the same manner as if the latter name had been always used to designate the said Company; and all property, real and personal, now held or claimed by *The City of Toronto Gas Light and Water Company*, is hereby declared to belong to, and be vested in *The City of Toronto Water Company*.

Capital Stock to be £100,000, in £10 shares.

II. And be it enacted, That the Capital Stock of the said Company shall and may in all consist of the sum of One Hundred Thousand Pounds currency, divided into ten thousand shares of Ten Pounds currency each, and the present stock may, in the discretion of the Directors, be increased to the above extent; and the said stock shall be applied to and for the lawful purposes of the said Incorporation, and for the maintenance and extension of the water works and water supply business of the said Company, and its general business as a Water Company only: Provided always, that no contract, transfer, deed or arrangement at any time heretofore made, in which such shares are transferred or treated as shares of One Hundred Pounds shall be avoided or affected by the said change in the amount of a share, but every share so transferred, created, assigned or bargained for, shall count and be considered as ten shares, and as equivalent thereto.

Increase of Stock provided for.

Proviso: as to past transactions.

Transfers of Stock.

Liability of Shareholders.

III. And be it enacted, That the said Capital Stock of the Company shall be transferable as by the said Act of Incorporation is directed, and that the several Shareholders shall be answerable for the full amount of the stock actually held by them respectively, and until the whole amount thereof shall be paid up, but no further or otherwise.

Directors may borrow

IV. And be it enacted, That it shall be lawful for the Directors of the said Company, from time to time, to raise and borrow

borrow for the purposes of their said business, any sum or sums of money not exceeding in the whole the sum of Thirty Thousand Pounds, currency, on such terms and credit as they may think proper, and to pledge or mortgage, or otherwise assign by way of security, the estate, real and personal property, rates and income of the said Company, or any part thereof, for the repayment of the moneys so borrowed and interest. £30,000, and pledge property of the Company.

V. And be it enacted, That the Act of Incorporation of the said Company passed in the Session held in the fourth and fifth years of Her Majesty's Reign, chapter sixty-five, as amended by the Act passed in the eighth year of the said Reign, chapter eighty-five, shall be and continue in force in all respects, except when the same is altered by this Act, and except as to alterations consequent on the change of name, and the confining the business of the said Company to that of a Water Company. Act of Incorporation to continue in full force except as amended.

VI. And be it enacted, That the provisions in the said Acts contained for the election of Directors shall continue, except that the number of Directors shall henceforth be seven, holding at least twenty-five shares of stock each, or stock to the amount of Two Hundred and Fifty Pounds. Number and qualification of Directors altered.

VII. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . C X .

An Act to increase the Capital Stock of *The Niagara Falls Suspension Bridge Company.*

[Assented to 22nd April, 1853.]

WHEREAS the Niagara Falls Suspension Bridge Company have represented that the cost of their Bridge when completed will exceed the amount of their present Capital, and have prayed that they may have power to increase the same, and it is expedient to grant the prayer of their petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for a majority of the whole number of Directors of the said Company to add to their present Capital Stock, the sum of Twelve Thousand Five Hundred Pounds currency, divided into five hundred Shares of Twenty-Five Pounds each, which Shares shall and may be subscribed for either in or out of the Province, in such proportions or numbers, and at such times and places, and under such Increase of Capital Stock authorized.

Instalments.

Proviso: ten per cent. to be paid down, &c.

such regulations and on such conditions as such majority of Directors shall from time to time establish, and the Shares subscribed for shall be paid in by such instalments not exceeding five per cent per month, and at such times and places as the majority of such Directors shall from time to time appoint; Provided that no Share shall be held to be legally subscribed for, unless ten per centum thereof at the least be paid at the time of subscribing, and that the provisions of the fourth Section of the original Act of Incorporation of the said Company, as to the forfeiture of Shares and all previous payments thereon, shall be applicable to all cases in which instalments on the Shares subscribed for in the increased capital, shall be unpaid.

Votes on New Stock.

II. And be it enacted, That the holder of any such additional or new Share or Shares, shall be entitled to vote in respect of the same, in like manner and to the same extent as the original Shareholders in the said Company.

Act not to prevent increase of Capital under 12 V. c. 161.

Proviso.

III. And be it enacted, That nothing in this Act contained, shall be adjudged or construed to take away or lessen the power of the said Company further to increase their said Capital under the Sixth Section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Act incorporating the Niagara Falls Suspension Bridge Company*, in the event of the construction of the Foot Bridge contemplated by the said Act; Provided always, that the whole Capital Stock of the said Company shall be limited to the sum of Fifty Thousand Pounds.

This Act and 12 V. c. 161, to be Public Acts.

IV. And be it enacted, That this Act and the Act lastly herein recited shall be deemed and taken to be Public Acts.

CAP. CXI.

An Act to amend the Act of Incorporation of the British North American Electric Telegraph Association.

[Assented to 22nd April, 1853.]

Preamble.

10 & 11 V. c. 82.

WHEREAS an Act was passed by the Legislature of this Province, in the Session held in the tenth and eleventh years of the Reign of Her present Majesty, intituled, *An Act to incorporate the British North American Electric Telegraph Association*; And whereas the sum of Six Thousand Five Hundred Pounds, authorized to be raised by the said Company, was found insufficient to make and complete the said Line of Telegraph, and a further sum of Three Thousand Eight Hundred and Eighty Pounds, was raised for making and completing the same; And whereas the said Company are desirous of extending the said Line of Telegraph to the boundary of the United States of America and to Montreal; And whereas the Directors of the said Company have petitioned for certain alterations and amendments in the said Act of Incorporation; And whereas it is expedient to make such amendments and alterations:

Be

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several persons who have contributed the said sum of Three Thousand Eight Hundred and Eighty Pounds over and above the amount limited in the said Act of Incorporation, shall be and they are hereby made and constituted Stockholders in the said Company, in the proportions in which they and each of them shall have subscribed and contributed the said sum, in the same manner as if the said sum had been authorized to be raised by the original Act of Incorporation, and that the same shall be termed and considered Preferential Stock, and that the holders of the same shall, from and out of the proceeds arising from the working of the said Telegraph, after deducting the necessary expense of working the same, be paid interest at the rate of six per centum per annum, upon the said sum of Three Thousand Eight Hundred and Eighty Pounds, and that the surplus of such proceeds be distributed among the original Subscribers and the Subscribers of the said Preferential Stock, in the same manner to all intents and purposes as if the whole of the said sums had been raised and contributed under the authority of the said Act of Incorporation.

Parties who have contributed to the additional Stock, declared Stockholders, and their said Stock Preferential Stock.

II. And be it enacted, That it shall be lawful for the said Company to extend, make and complete the said Telegraph from the said City of Quebec to the City of Montreal, by and along the North Shore of the River Saint Lawrence or by the Eastern Townships, as the Stockholders may elect, and to the United States boundary, at such places and in such direction as may be chosen by the said Company, and to construct Station Houses and Observatories at the Terminations, and at such other places on the said Line and Lines of Telegraph as they may deem expedient.

Company may extend their line, and how.

III. And to the end that the said Company may be enabled to fulfil the object of the next foregoing Section—Be it enacted, That it shall and may be lawful for the said Company and their successors to raise and contribute among themselves and others who may become Stockholders, in such proportions as to them shall seem meet and convenient, a competent sum of money for the extending, making and completing the said Telegraph, and all such other works, matters and conveniences as may be found necessary for extending, making, effecting, preserving, improving, completing, maintaining and using the said Telegraph, and other works; Provided always, that the sums so raised shall not exceed the sum of Five Thousand Five Hundred Pounds, currency, in the whole, and that the same be divided into shares at the price of Ten Pounds, currency, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied, in the first place,

Company may increase their Capital.

Proviso: such increase not to exceed £5,500, in shares of £10 each.

Application of increased Capital.

place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all other expences relating thereunto, and all the net residue and remainder of such money, for and towards extending, making, completing and maintaining the said Telegraph, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Division of the said sum into Shares and rights of the Shareholders.

IV. And be it enacted, That the said sum of Five Thousand Five Hundred Pounds, currency, or such part thereof as shall be raised by the persons now composing the said Company, and by such other person or persons as shall or may at any time become a Subscriber or Subscribers to the said Telegraph, shall be divided and distinguished into five hundred and fifty shares, at a price not exceeding Ten Pounds, currency, aforesaid, per share, and that the shares be deemed personal estate, and shall be transferred as such, and that the said five hundred and fifty shares shall be and are hereby vested in the said several Subscribers, and their several respective heirs, executors, administrators and assigns to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Ten Pounds or such sum or sums of money as shall be demanded in lieu thereof, towards carrying on and completing the said intended Telegraph, shall be entitled to, and receive after the said Telegraph shall be completed, from and out of the proceeds of the said Line between Quebec and Montreal, after deducting the expences of working the same, interest at the rate of six per centum per annum upon the said sum of Five Thousand Five Hundred Pounds, and the surplus of such proceeds shall be distributed among the whole of the Stockholders, as well Original as Preferential, in proportion to the number of shares so held; and every body politic, corporate or collegiate or community, person or persons, holding a share or shares in the said undertaking, shall bear and pay an adequate and proportional sum of money in the proportion of such share or shares towards carrying on the said undertaking, in the manner by the said Act of Incorporation and by this Act directed and appointed.

Preferential claim for six per cent.

Number of Directors reduced.

V. And be it enacted, That so much of the twenty-first Section of the said Act of Incorporation, as requires the appointment of nine persons being each a proprietor of not less than ten shares in the said undertaking to be Directors of the said Company, is hereby repealed; and from and after the passing of this Act, seven persons only being each a proprietor of not less than five shares in the said undertaking, shall be chosen Directors in the manner in the said Act of Incorporation provided, whereof

whereof three shall be a quorum, any thing in the said Act of Incorporation to the contrary notwithstanding.

VI. And be it enacted, That from and after the passing of this Act, the Annual General Meeting of the Proprietors, to choose Directors, shall be held on the second Thursday in February, in each year, in lieu of the second Thursday in January, as provided and directed by the twenty-third Clause of the said Act of Incorporation.

Day of Annual General Meeting changed.

VII. And be it enacted, That it shall be lawful for the said Company to contract debts not exceeding one half of the amount of their Capital Stock ; and all evidences of debts issued by the said Company shall be issued and signed by the President and Treasurer thereof.

Company may contract debts to a certain amount.

VIII. And be it enacted, That all, each and every the provisions and enactments of the said Act of Incorporation, not inconsistent with the present Act, shall be held and considered, and they are hereby made to apply to the extended Line or Lines of Telegraph authorized by the present Act, to the same extent as if the present extended Line or Lines of Telegraph had been originally authorized by the said Act of Incorporation.

Provision of Act of Incorporation extended to the New Line.

IX. And be it enacted, That this Act shall be deemed a Public Act.

Public Act.

C A P . C X I I .

An Act to remove doubts touching the Act incorporating *The Burlington Bay Dock and Ship-building Company.*

[Assented to 22nd April, 1853.]

WHEREAS doubts have arisen as to the powers and rights of *The Burlington Bay Dock and Ship-building Company*, by reason of the failure of the persons therein mentioned and incorporated, to cause Directors to be elected and other proceedings to be had at the periods mentioned or intended in the Act incorporating the said Company : For the removal of such doubts, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That 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 incorporate certain persons under the name of The Burlington*

Preamble.

Act 10 & 11 V. c. 84, declared to be in force.

Exception.

Burlington Bay Dock and Ship-building Company, is and shall be held to be in full force, notwithstanding any such failure as aforesaid; except the tenth Section thereof, which is hereby repealed.

General Meeting to be called for the Election of Directors.

II. And be it enacted, That at any time after Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall have been subscribed for, any five or more of the persons mentioned in the said Act or in this Act may, by notice to be inserted in some Newspaper published in the City of Hamilton, at least thirty days before the day to be therein named for holding the meeting, call a meeting of the Stockholders, to be held at the City of Hamilton, at which meeting the Stockholders shall, in the manner provided by the said Act, elect seven persons to be Directors of the Company, who shall continue in office until the first Monday in May next after their Election, and until others are elected in their stead, and shall discharge the duties of Directors in the same manner as if they had been elected at the annual election of Directors under the said Act, and shall have the same powers as if so elected.

Certain persons to be Members of the Corporation.

III. And be it enacted, That John Hillyard Cameron, John Fisher and Edward Zealand, shall be and are hereby declared to be Members of the said Company, and shall have the same rights and privileges as those Members thereof whose names are mentioned in the said Act.

Interpretation.

IV. And be it enacted, That whenever the District of Gore is mentioned in the said Act, the Counties of Wentworth and Halton shall be understood to be intended.

Public Act.

V. And be it enacted, That this Act shall be a Public Act.

CAP. CXIII.

An Act to indemnify the Brock Monument Building Committee, and for other purposes therein mentioned.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS divers persons have, by subscription among themselves, raised a sum of money for the purpose of rebuilding the Monument to the late General Sir Isaac Brock, on Queenston Heights, which had been maliciously destroyed by gunpowder, and certain persons from among them have acted as a Committee for the purpose of superintending the expenditure of the money so raised and the rebuilding of the said Monument, and it is right to indemnify them against any loss or responsibility which they might otherwise incur by any accident to or malicious attempt to destroy the said Monument: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and

and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That no person who has acted or shall hereafter act as a Member of the said Committee, shall be personally responsible or liable for any accident which may happen to the said Monument or for any injury it may sustain from any malicious attempt to destroy, deface or injure it.

Members of the building Committee exempted from personal liability.

II. And be it enacted, That whosoever shall wilfully set fire to any gunpowder or other explosive or combustible substance or material in or in contact with or in close proximity to the said Monument, or any fence or work therewith connected, with intent to destroy or injure the said Monument, fence or work, shall be guilty of felony, and being convicted thereof, shall be liable, in the discretion of the Court before which the conviction shall take place, to be imprisoned at hard labour in the Provincial Penitentiary, for the term of his natural life or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years, and if any other person be in the said Monument at the time of the commission of such felony or so near thereto that his life is endangered by such felony, or he be killed or maimed by reason thereof, then the offender being convicted shall suffer death; and any attempt to commit such felony by placing in or in contact with or in close proximity to the said Monument, fence or work, any gunpowder or other explosive or combustible material, or the doing of any wilful injury to the same in any way, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender shall be convicted; and in any indictment or prosecution or trial for any offence against this Act, it shall not be necessary to allege or to prove that the said Monument, fence or other work were the property of any person, or to describe the same otherwise than they are described in this Act.

Punishment of persons injuring or attempting to injure the said monument.

As to allegation of property in indictment for any such offence.

C A P . C X I V .

An Act to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François.

[Assented to 22nd April, 1853.]

WHEREAS certain inhabitants of the Parish of St. François du Lac are in possession of a certain Common, situate in the said Parish, known as the "Common of St. François," and by their petition to the Legislature, have prayed to be incorporated, in order the better to regulate the said Common,

Preamble.

Common,

First Meeting and Election of Trustees, their powers, corporate name, &c.

Common, and it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the inhabitants of the said Parish: interested and having a right in the said Common, to assemble and meet at the Presbytere or Parsonage House within the said Parish, on the first Monday in the month of July next after the passing of this Act, between the hours of ten in the forenoon and one in the afternoon, then and there to choose and elect, by a majority of the votes of the said inhabitants then present, a Chairman and four Trustees, to manage and direct the business relating to the said Common for the purposes of this Act, and none else ; and the Chairman and Trustees who shall be so chosen, shall be and they are hereby declared to be a body Politic and Corporate, under the name of the " Chairman and Trustees of the Common of St. François-du Lac," and as such, shall have perpetual succession, and may have a common seal, and shall and may sue and be sued, and shall and may do and execute all and every matter and thing relating to the trust in them reposed, by virtue of this Act, in as full and ample a manner as any body politic and corporate can or may, as such, lawfully do.

Who shall preside at the said first Meeting.

II. And be it enacted, That it shall and may be lawful for the senior Justice of the Peace resident in the Parish, or in default of him the next in seniority resident therein, to preside at the first meeting of the inhabitants aforesaid to be held under this Act, for the purpose of choosing and electing a Chairman and four Trustees of the said Common, and such Justice, by writing under his hand, shall declare who are the persons chosen and elected to be Chairman and Trustees of the said Common ; and the persons so chosen and elected, shall continue in office until the first Monday in July, one thousand eight hundred and fifty-seven, and no longer, unless they shall be afterwards re-chosen and re-elected in the manner hereinafter directed.

Term of office of Trustees.

Elections of Trustees to be held every four years.

III. And be it enacted, That the said Chairman and four Trustees shall, on the said first Monday in July, one thousand eight hundred and fifty-seven, by an election in the manner aforesaid, be replaced, and the Chairman and Trustees for the said Common shall for ever hereafter, after four successive years' service, be replaced, and another Chairman and Trustees be chosen and elected in their stead, on the first Monday in the month of July ; and it shall be the duty of the Chairman to give notice verbally, immediately after Divine Service in the forenoon,

Notice of such Elections,

forenoon, and in writing set up at the church door of the said Parish, on the Sunday or holiday next preceding the day hereby appointed for an election of such Chairman and Trustees, informing the said inhabitants, qualified as aforesaid, that such election will take place at the Presbytere or other public place in the said Parish, pursuant to this Act, and requiring their attendance thereat accordingly; and the Chairman shall preside at such election, and declare who are the persons thereat chosen as Chairman and Trustees for the ensuing period.

IV. Provided always, and be enacted, That if at any time any election or elections to be had or held under this Act shall not take place, when under this Act the same ought to have taken place, the said Corporation shall not by reason thereof cease or become extinct, but such election shall and may be held at such time thereafter as the Chairman then in office may thereunto appoint, giving due notice in the manner aforesaid, of the time and place where such election is to be held, and presiding thereat, and declaring who are the Chairman and Trustees chosen and elected, as hereinabove enacted.

Cases of failure of any Election provided for.

V. And be it enacted, That in case the Chairman, or any of the Trustees, should die or remove from the said Parish while in office, such Chairman or Trustees shall be replaced by an equal number of persons chosen and elected as aforesaid, in his or their stead, who shall remain in office for the same period as he or they, in whose stead he or they are chosen and elected, would have remained; and in case of the death or removal as aforesaid of the Chairman, the choice or election of another in his stead shall take place under the direction of the Trustee eldest in years, he giving the notice to that effect as hereinbefore provided.

Case of death, removal, &c. of a Trustee, provided for.

VI. And be it enacted, That the Chairman and Trustees aforesaid, or any three of them, may, by writing under their hands and the seal of the said Corporation, and they are hereby authorized to nominate and appoint a fit and proper person to be their Clerk, and to allow him such annual compensation or salary for his services, as may be agreed upon by the said inhabitants, and such appointment, at their pleasure, to revoke and annul, and another fit and proper person to nominate and appoint in the stead of the person whose nomination and appointment may have been so revoked and annulled.

Chairman and Trustees may appoint a Clerk, &c.

VII. And be it enacted, That it shall be lawful for the Chairman for the time being; or, in the absence or illness of such Chairman, for the eldest of the said Trustees, to summon and call meetings of the said Corporation concerning the trust in the said Corporation reposed by this Act, as often as he may deem the same necessary, or as may at any prior meeting have been determined, or as he may be thereunto required in writing under the hands of any three of the Trustees.

Meetings of the Corporation how called.

Trustees to prevent encroachments on the Common.

VIII. And be it enacted, That it shall be the duty of the said Corporation, to ascertain and fix the proper limits and boundaries of the said Common, and in case it shall be found that any person or persons have trespassed or encroached upon the said Common, it shall also be the duty of the said Corporation, to adopt speedy and effectual measures at law to expel the trespassers or persons who may have encroached upon the said Common, and to extend the same to its ancient and proper limits.

Trustees to apportion the right of grazing among the inhabitants interested, &c.

IX. And be it enacted, That it shall and may be lawful to and for the said Chairman and Trustees, or any three of them, to fix and determine, annually, the number and description of horses, cows, oxen or other cattle, which it shall be lawful for every inhabitant aforesaid interested in the said Common to put to graze on the said Common, as also to fix and determine the day on which the said Common shall be opened for the reception of cattle to graze thereon, in every year, and again shut up; and they shall give notice thereof by an advertisement posted up, read and published at the door of the Church in the Parish aforesaid, on the two Sundays immediately preceding the day on which the said Common is to be opened or shut: Provided always, that every such inhabitant interested in the said Common, shall have a right to put the number of cattle so determined on the graze on the said Common, and no more.

Notice of the time when grazing shall commence or cease.

Proviso.

Trustees to make regulations concerning the said Common.

X. And be it enacted, That it shall and may be lawful to and for the Chairman and Trustees aforesaid, or any three or more of them, by writing under their hands and the seal of the said Corporation, to make and establish rules and orders for the ordering and well governing of the Common aforesaid, and the same to annul or revoke, and other rules and orders to make and establish in the place thereof, as occasion may require, which rules and orders, being approved by the Judge of the Superior Court in the district of Three-Rivers at any time in Court or in vacation, shall be read, published and posted up at the Church door of the Parish at least two Sundays before they shall have force and effect, and the same shall thereafter be binding on all and every person or persons having commonage in the said Common, in so far as regards the said Common, and being specially pleaded, shall be taken notice of by all Courts and by all Judges and Justices in this Province.

Publication of Regulations.

Reciprocal rights of Seigneur and inhabitants not to be affected.

XI. Provided always, and be it enacted, That no rule or order that may at any time be made by virtue of this Act, shall in any wise prejudice or affect, or be construed to prejudice or affect, in any manner, such reciprocal rights and privileges as the Seigneur of the Seigniory of St. François, and the said inhabitants of the aforesaid Seigniory may, by virtue of their deeds, titles or contracts, have guaranteed to each other previous to the passing of this Act.

XII. Provided always, and be it enacted, That no penalty which shall be laid or imposed by the said rules or orders, shall exceed the sum of Ten Shillings current money of this Province, and that all and every the penalties which shall be so laid or imposed, shall be used and appropriated by the said Corporation to the benefit and improvement of the said Common, and in such manner as the said Corporation shall deem most expedient for that purpose, and the said penalties shall be enforced by summary proceedings before a Justice of the Peace for the said District nearest to the said Common, and shall be levied in the same manner as other fines are levied before Justices of the Peace according to the laws in force in Lower Canada.

Penalties limited and appropriated.

Enforcement of Penalties.

XIII. And be it enacted, That at every general election pursuant to this Act, the Chairman and Trustees retiring, or about to retire from office, shall, previous to the election of their successors, lay before the meeting of the inhabitants aforesaid, assembled for that purpose, a full and clear account of all the moneys or other things received and disbursed or expended by them, in the execution of their office, under the authority of this Act ; and they shall also deliver over to their successors in office, whatever money or other things may be then remaining in their hands, together with all books of account, books of entry, or other books kept by them, or by their clerk under their direction, touching and concerning the business of the said Common, as also all titles or papers thereunto relating : Provided always, That the said account shall be prepared and open for the inspection of the said inhabitants ten days at the least before the said day appointed for the general meeting ; and at such general meeting, it shall be competent for the said inhabitants, to examine into, revise, approve or reject the said account in whole or in part, and in case of dispute thereof the said successors shall take such proceedings as may be just and necessary for the proper settlement and liquidation thereof.

Trustees to lay annual accounts before the General Meetings.

Proviso: accounts to be open for inspection during a certain time before the Meeting.

XIV. And be it enacted, That the Interpretation Act shall apply to this Act.

Interpretation.

XV. And be it enacted, That this Act shall be deemed a Public Act.

Public Act.

C A P . C X V .

An Act to incorporate The Canada Military Asylum.

[Assented to 22nd April, 1853.]

WHEREAS Colonel Gordon Higgins, of the Royal Regiment of Artillery, President of an Association commonly known as *The Canada Military Asylum*, the Reverend George Mackie, D. D., the Reverend John Cook, D. D., the Reverend R. G. Plees, the Reverend George Cowell, the Reverend Gilbert Percy, David Dumbreck, Esquire, Staff Surgeon,

Preamble,

Heneage Grubbe, Lieutenant Colonel of Her Majesty's Sixty-Sixth Regiment of Foot, William Yorke Moore, Lieutenant Colonel of Her Majesty's Fifty-Fourth Regiment of Foot, John Ross Wheeler, Major of the same, Walter Simpson, Assistant Surgeon of Her Majesty's Sixty-Sixth Regiment of Foot, Alfred Knight, Captain unattached and Town Major of Quebec, Henry Cornwall, Barrick Master at Quebec, and Thomas Blatherwick, Esquire, Staff Assistant Surgeon, Members of the Acting Committee of the said Association, have by their petition to the Legislature represented, that the said Association hath been established for many years, for the purpose of affording relief to the Widows and Orphans resident in Canada of Soldiers in Her Majesty's service, and of discharged Soldiers residing in Canada, who may need such relief, and have in and by their said petition prayed that the said Association be incorporated; And whereas in view of the philanthropic object and the great advantages to be derived from such an Institution it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Rector of Quebec, the Commandant of the Garrison of Quebec, the Minister of Saint Andrew's Church, Quebec, the Principal Military Medical Officer at Quebec, the Chaplain to the Garrison of Quebec, the Town Major of Quebec, Daniel Thorndike, Lieutenant Colonel R. A., Henry Powell Wulff, Lieutenant Colonel R. E., Henry Coope Stace, Captain R. A., Frederick Stanley Carpenter, Assistant Commissary General, Walter Simpson, Thomas Blatherwick, with all such persons as now are or may hereafter become Members of the Association aforesaid, under the By-laws thereof, shall be and they are hereby declared a body politic and corporate, under the name of the *Canada Military Asylum*, 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 uses and purposes of the said Corporation, any personal property or estate, and any lands, tenements and hereditaments and real or immoveable property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of One Thousand Pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose, and by the said name shall and may be able and capable in law to sue and be sued, implead and be impleaded,

Certain Functionaries and persons incorporated.

Corporate name and powers.

Property.

Real property limited.

answer

answer and be answered unto in all Courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue and be sued, implead or be impleaded, answer and be answered unto in any manner whatsoever; and any majority of the Members of the Committee of Management, or other body to whom the direction and management of the affairs of the Corporation shall be entrusted, shall have power and authority to make and establish such By-laws, Rules, Orders and Regulations not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of Members into the said Corporation, and from time to time to alter, repeal and change the said By-laws, Rules, Orders and Regulations, or any of them, and those of the said Association in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject nevertheless, to the Rules, Regulations, Restrictions and Provisions hereinafter prescribed and established.

Committee of management empowered to make By-laws for certain purposes.

Further powers.

II. And be it enacted, That all and every the estate and property, real and personal, belonging to the said Association, or held by any person or party for the use or purposes thereof, and all debts, claims and rights whatsoever due to the said Association, or to any person as representing or acting for the said Association, shall be and they are hereby vested in the Corporation hereby established, which shall be liable for all debts due by the said Association, or lawfully contracted by any person or party acting in its name or on its behalf.

Property of the present Association vested in the Corporation.

III. And be it enacted, That the present By-laws, Rules and Regulations of the said Association, shall be the By-laws, Rules and Regulations of the said Corporation until others be enacted and made in their stead; and the President and other Members of the Acting Committee of the said Association and all Officers thereof, shall be and continue to be the President and Members of the Acting Committee and Officers of the said Corporation, until others in their stead shall be appointed or succeed them, according to the By-laws, Rules and Regulations made or to be made for the government of the said Corporation.

Present By-laws continued in force, until repealed or altered, &c.

IV. And be it enacted, That the said Corporation shall, whenever thereto required by the Governor of this Province, or by either of the other branches of the Legislature, render true statements of their receipts and expenditure, and of the real and personal estate held and enjoyed by the said Corporation.

Statements of receipts and expenditure to be rendered Legislature.

V. And be it enacted, That this Act shall be deemed to be Public Act, a Public Act.

C A P . C X V I .

An Act to authorize the Grey Nuns of Montreal to dispose of certain property at Point St. Charles, near the City of Montreal.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the Superior and other Members of the Community of the Sisters of Charity of the General Hospital of Montreal, known by the name of the Grey Nuns, have petitioned the Legislature with respect to their Farm at Point St. Charles near Montreal, and their property at Pointe à Callières, in the City of Montreal, and it is expedient to grant the prayer of their said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Sisters of Charity of the General Hospital of Montreal, to sell or otherwise alienate certain property possessed by them at Point St. Charles, near to the City of Montreal, with all the buildings and dependencies appertaining thereto, that is to say, a lot of land of irregular figure, bounded in front and on one side by the river St. Lawrence, in rear partly by the Religious Ladies of the Hôtel-Dieu de Montréal, and partly by the Religious Ladies of the Congrégation de Notre Dame de Montréal, on the other side by a Common, to which property is attached an undivided right in the said Common; and to sell or otherwise alienate, at any time, subject to such terms, charges, clauses and conditions as they shall think proper, the whole or any part of the said property and its dependencies, in block, or such portions or extent thereof, or such number of lots or emplacements as they shall deem expedient to partition off, and also to sell or otherwise dispose of their undivided right in the said Common, or to arrange with the proper parties for obtaining a division of the said Common among the proprietors thereof *par indivis*, and to sell or otherwise alienate their rights or portion of land in the said Common after such division, and to dispose of the same for a certain price or sum of money, or for a constituted rent, or for a redeemable or unredeemable ground rent, or for other lands, and to have and receive the price of such sales or alienations, and the capital sums of the constituted or ground rents, or to leave the whole amount in the hands of the purchasers for any term or terms.

The Grey Nuns empowered to dispose of certain property at Point St. Charles, on such terms as they may think proper.

Act 9. V. c. 92, cited and explained, as

II. And whereas by an Act passed in the ninth year of Her Majesty's Reign, and chaptered ninety-two, the said Sisters of Charity of the General Hospital of Montreal, were authorized

to sell or alienate their property and dependencies at Pointe à Callières, in the City of Montreal, for a price or sum of money, or for constituted rents, and doubts have been entertained as to whether they were empowered to sell or alienate them for a ground rent or for other lands: Be it therefore enacted, That the said Act shall be understood to give power to the said Sisters of Charity to sell or alienate the whole or any part of their said property at Pointe à Callières, in the same manner as they are hereby empowered to dispose of their property at Point St. Charles, for redeemable or unredeemable ground rents or for other lands.

regards certain property at Pointe à Callières.

III. And be it enacted, That it shall be lawful for the said Sisters of Charity of the General Hospital of Montreal, to purchase and acquire at any time other real and immoveable property, or any constituted or ground rents secured upon real or immoveable property, to the whole amount of the capital, prices or sums of money derived from the sales or alienations of the said properties at Point St. Charles and Pointe à Callières, and to sell or otherwise alienate the immoveable property, lands taken in exchange, constituted and ground rents so acquired, in the manner prescribed by this Act; all laws of Mortmain or other Acts or laws to the contrary notwithstanding.

The said Nuns may acquire other property in lieu of the property aforesaid.

IV. And be it enacted, That the said Sisters of Charity shall, when they shall be thereunto required by the Governor, or person administering the Government of this Province for the time being, lay before him a Statement of the Sales or other Alienations, and of the Acquisitions they shall have made under the authority of this Act, and of the capital sums of money which they shall have received arising from such Sales and Alienations by them made under the authority of this Act.

They shall render accounts when called upon.

V. And be it enacted, That this Act shall be deemed a Public Act.

C A P . C X V I I .

An Act to incorporate the Saint Roch's Reading Room.

[Assented to 22nd April, 1853.]

WHEREAS an Association has lately been formed in the Saint Roch's Suburb, Quebec, under the name of "The Saint Roch's Reading Room," for the formation of a Library, a Reading Room and a Museum, for the organization of a method of public instruction by means of Lectures on subjects adapted to diffuse among the citizens of the said Saint Roch's Suburb, Quebec, and its environs, a taste for instruction, and for the arts and sciences, as well as for the extension of useful and practical information for the general advantage of society, and more especially for that of the Members of the said Association, and of those who may become Members thereof in future; And whereas Joseph Hamel, Esquire, President, and

Preamble.

Messieurs

Messieurs Thomas Conrad Lee, Aurèle Plamondon, Pierre Lavoie, J. V. Desplats, Frs. Huot, Pierre Huot, Chs. Arelle, Zéphirin Vezina, Théophile Racine, Etienne Simard, Wm. Venner, Gabriel Valin, Gaspard Garneau, Pierre Lacombe, Joseph Lebreton, Louis Lépine, James Huston, Pierre Lacroix, Antoine Sanfaçon, Félix Hamel, Louis Lavoie, Régis Lapointe, James Nelson, Joseph Michaud, George Paré, Joseph Carrier, J. B. Pruneau, Narcisse Vénère and John McMullin, the present office-bearers, acting on behalf of the said Association, have by their Petition to the Legislature represented, that the said Association has already acquired a considerable number of books, and caused divers lectures to be given to the public on various useful matters; And whereas they have further represented that in order to obtain all the advantages resulting from the said Association, it is necessary that the said Association be incorporated, and it is expedient to grant the prayer of the said Petition, subject nevertheless to the provisions hereinafter set forth and made in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the above mentioned office-bearers, with all such other persons as now are or may hereafter become Members of the said Association, and their successors for ever, shall be and they are hereby constituted a Body Politic and Corporate, by the name of "The Saint Roch's Reading Room," and shall by that name have perpetual succession and a Common Seal, if they shall deem it expedient, 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 have, take, receive, purchase, acquire, hold, possess and enjoy to them and their successors aforesaid, to and for the uses and purposes of the said Corporation, any moveable property or effects, as well as any immoveable or real estate, provided the said immoveable property shall not exceed the value of One Thousand Pounds currency of this Province, and shall enjoy all civil rights granted by the laws of this Province to all Bodies Politic or Corporate.

Certain persons and their successors incorporated.

Corporate name and powers.

Amount of Real property limited.

Service of Process on the Corporation.

Officers.

II. And be it enacted, That in all actions and suits at law which may hereafter be instituted against the said Corporation, Service of Process at the residence of the Recording Secretary of the said Corporation, shall be held to be a sufficient service for all purposes of law.

III. And be it enacted, That the officers of the said Corporation shall be: an Honorary President, an acting President, two Vice-Presidents,

Vice-Presidents, a Treasurer, a Recording Secretary, an Assistant Recording Secretary, a Corresponding Secretary, a Librarian, two Assistant Librarians, a Curator of the Museum, and a Board of Management to be composed of the acting President and the above mentioned officers and of fifteen other Members of the said Corporation, which said officers and Board of Management shall be chosen and elected by a majority of votes of the Members present at the General Meeting which shall be held on the first Monday of the month of November in each year, and sufficient notice shall be given by the Recording Secretary, of the day, place and hour of the said Meeting, eight days before the day of such Meeting: Provided always, that if the said election shall not take place on the day above mentioned, the acting President, or in his absence, one of the Vice-Presidents of the Association for the time being, shall call such General Meeting for any subsequent day in the manner above mentioned; Provided also, that the first Meeting for the election of the officers and of the Board of Management, shall take place within the three months immediately after the passing of this Act.

Board of Management.

Election of Officers and Members of the Board.

Proviso.

Proviso.

IV. And be it enacted, That the Board of Management shall have the administration of the property and effects of the said Corporation, and shall have authority to make all necessary By-laws and Regulations for the proper government of the same, which said By-laws and Regulations shall be approved at a General Meeting of the Members of the said Society, and after such approval, the said By-laws and Regulations shall not be changed, altered, modified or repealed, unless notice shall have been given of such change, alteration, modification or repeal, one month at least before the day on which such change, alteration, modification or repeal shall be intended to be made, nor unless such change or repeal shall have been approved by two thirds of the Members present; Provided always, that the said By-laws and Regulations shall in no respect be contrary to the laws of this Province, or to the provisions of this Act.

Board of Management to have the administration of the property of the Corporation: and to make By-laws, &c.

Proviso.

V. And be it enacted, That whenever the majority of the Board of Management shall have decided that it is necessary to call a General Meeting of the Members of the Association, for some special purpose other than that of the election of officers, it shall be lawful for the acting President, or in his absence for one of the Vice-Presidents, to call such General Meeting by public advertisement in the newspapers of the said City of Quebec, giving notice of the place, day, hour and object of such meeting, signed by the Recording Secretary.

General Meeting how called.

VI. And be it enacted, That none of the Members of the said Corporation shall be personally liable for the debts of the said Corporation.

Non liability of Members.

VII. And be it enacted, That this Act shall be held and considered to be a Public Act.

Public Act.

CAP. CXVIII.

An Act to amend the Act incorporating the Mount Royal Cemetery Company.

[Assented to 22nd April, 1853.]

Preamble.

WHEREAS the Trustees of *The Mount Royal Cemetery Company* have petitioned for an extension of their powers, and it is expedient to grant the prayer thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Company shall have full power and authority to designate and establish, take, appropriate, have and hold the requisite land adjoining the site of the Cemetery, adapted and required for the purposes of the said Company, and for the more easy ingress and egress to and from the said Cemetery, from the City of Montreal and from the Côte des Neiges road, according to the provisions hereinafter contained for acquiring the same; and to dig, take, and carry away stone, gravel, sand, earth, and other like materials from any adjoining or neighbouring lands, and also to cut, make and keep in repair upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for the effectual draining and carrying off the water from the said Cemetery, and the roads leading thereto; and for the purposes aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic.

Company may lay out and take land and materials for a road to or from their Cemetery, cut ditches, &c.

May enter lands for such purposes.

Compensation to be made and to be settled by arbitration of the Company, if the parties interested cannot agree.

II. And be it enacted, That if the owner or owners, occupier or occupiers of any lands which the said Company may be desirous of acquiring for the purposes aforesaid or from which materials are to be taken, shall, upon demand made by the Trustees of the said Company, neglect or refuse to agree upon the price or amount of damages to be paid for such land, and the appropriation thereof to the use of the said Company, or for the exercise of any such powers as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge, and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid: and upon such sum being ascertained, due attention

attention being had by the arbitrators in ascertaining the same to the benefits to accrue to the party requiring compensation, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be requisite, and the said Company shall, after such tender, whether such conveyance or document be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such powers as aforesaid, in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid: Provided always, That if such owner or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the said Company, or if the said two arbitrators do not agree upon such third arbitrator within twenty days after the appointment of the second arbitrator, then upon the application of the said Company, or of the other party, a Circuit Judge shall nominate the second or third arbitrator, in lieu of the one so to be appointed and named, but not appointed or agreed upon by the party or the two first named arbitrators as aforesaid; and any award made by the majority of the said arbitrators, shall be as binding as if the three arbitrators had concurred in and made the same.

Proviso: if any such party fails to name his Arbitrator.

Award of two to be good.

III. And be it enacted, That whenever any lands or grounds required by the said Company, for the purposes aforesaid, are held or owned by any person or persons, bodies politic, corporate, or collegiate, whose residence may not be within this Province, or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for a Circuit Judge, having jurisdiction in the District of Montreal, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person, to be chosen by the persons so named, before proceeding to business, or in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be arbitrators, to award, determine, adjudge, and order the respective sums of money, which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or damages as aforesaid, and the decision of the majority of such arbitrators shall be binding; which said amount so awarded, the said Company shall pay or cause to be paid to the several parties entitled to the same when demanded: And in any case under this Act, where there shall be no deed conveying the property in question to the Company, a record of the award or arbitration shall be made up and signed by the

Provision where lands belong to a Corporation, or to a party unknown or absent, &c.

Award may be registered where there is not a Deed.

said

Costs of Arbitration by whom to be paid, &c.

said arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by the said arbitrators or a majority of them, which record shall be registered in the Registry Office for the County of Montreal; And that the expenses of any arbitration under this Act, shall be paid by the said Company, and by them deducted from the amount of such award, if the Company shall, before the appointment of their arbitrator, have tendered an equal or greater sum than that awarded by the arbitrators, and otherwise by the opposite parties, and the arbitrators shall specify in their award by which of the parties the said costs are to be paid.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act.

C A P . C X I X .

An Act to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the several County Courts in Upper Canada to certain matters cognizable in the Court of Chancery of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the jurisdiction of the said County Courts respectively shall extend to the several matters hereinafter enumerated, and that the said County Courts respectively shall possess the like power and authority in respect of the matters hereinafter enumerated as by law is now possessed by the Court of Chancery of Upper Canada.

County Courts to have Equity Jurisdiction in certain matters.

To what cases the Equity Jurisdiction of County Courts shall extend.

II. And be it enacted, That it shall be lawful to and for any person seeking equitable relief, to enter (personally or by Attorney) a claim against any person from whom such relief is sought, with the Clerk of the County Court of the County within which such last mentioned person resides, in any of the following cases, that is to say:

Partnership accounts.

1. A person entitled to an account of the dealings and transactions of a partnership (the joint stock or capital not having been over two hundred pounds,) dissolved or expired, seeking such account.

2. A creditor upon the estate of any deceased person, such creditor seeking payment of his debt (not exceeding fifty pounds) out of the deceased's assets (not exceeding two hundred pounds.) Debts of deceased persons.

3. A legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy (not exceeding fifty pounds in amount or value) out of such deceased person's personal assets (not exceeding two hundred pounds.) Legatees.

4. A residuary legatee, or one of the residuary legatees of any such deceased person seeking an account of the residue and payment or appropriation of his share therein (the estate not exceeding two hundred pounds.) Residuary Legatees.

5. An executor or administrator of any such deceased person seeking to have the personal estate (not exceeding two hundred pounds) of such deceased person, administered under the direction of the Judge of the County Court for the County within which such executor or administrator resides. Administration of personals.

6. A legal or equitable mortgagee whose mortgage is created by some instrument in writing, or judgment creditor having duly registered his judgment, or person entitled to a lien for security for a debt, seeking foreclosure or sale or otherwise to enforce his security, where the sum claimed as due does not exceed fifty pounds. Foreclosure of Mortgages.

7. A person entitled to redeem any legal or equitable mortgage or any charge or lien seeking to redeem the same, where the sum actually remaining due does not exceed fifty pounds. Redemption of Mortgages.

8. Any person seeking equitable relief for, upon or by reason of any act, matter or thing whatsoever, where the subject matter involved does not exceed the sum of fifty pounds. Equitable relief generally.

9. Injunctions to restrain the committing of waste or trespass to property by unlawfully cutting, destroying or removing trees or timber, may be granted by the Judge of any County Court, which injunctions shall only remain in force for a period of one month unless sooner dissolved on an application to the Court of Chancery; Provided always, that the power to grant such injunction shall not authorize the prosecuting of the suit in the County Court, but the injunction may be extended and the suit further prosecuted to judgment or otherwise in the Superior Court, in the like manner as if the same had originated in that Court. Injunctions to restrain commission of waste. Proviso.

III. And be it enacted, That such claim in the several cases enumerated above, may be similar in principle to the form set forth in Schedule A to this Act. Form of Claim.

Proceedings on the filing of Claim.

IV. And be it enacted, That upon entering such claim with the Clerk of a County Court, the same shall be numbered and filed by such Clerk according to the order in which it shall be entered, and thereupon a Summons, briefly stating the nature of the claim and bearing the number of the claim on the margin thereof, shall be issued under the Seal of the Court, requiring the person against whom such claim is made, on some day in the next ensuing term of such County Court, or (upon Special Order of the Judge of the County Court,) on a day to be therein named, to appear before the Judge of the said Court, to show cause, if he can, why such relief as is claimed by the Plaintiff should not be had, or why such Order as shall be just with reference to the claim shall not be made.

Form of Writ of Summons.

V. And be it enacted, That such Writ of Summons may be in the form or to the effect in that behalf set forth in Schedule B to this Act, with such variations as circumstances may require, and shall be sealed with the Seal of the Court from which it issues, and that, when necessary, *alias* and *pluries* Writs may be issued.

Copy of Writ and Claim to be served.

VI. And be it enacted, That a copy of the said Writ of Summons, to which shall be attached a certified copy of the Plaintiff's claim so entered as aforesaid, shall be served on the Defendant ten days at least before the day appointed in the said Writ of Summons for showing cause.

Hearing on Claim: evidence, examination of parties, &c.

VII. And be it enacted, That at the time appointed for showing cause as aforesaid, the Defendant shall appear personally or by Attorney, and show cause, if he can, (and if necessary by Affidavit) why such relief as is claimed by the Plaintiff should not be had against him; and each party may, on giving five clear days' notice in writing prior to any hearing, of his intention so to do, examine the other party upon the matters relating to such claim; and the Judge, on hearing the claim, and what the Plaintiff alleges in support thereof, and such other evidence, whether oral or written or by Affidavit, as he may produce in that behalf, and what may be alleged on the part of the Defendant, and such evidence whether oral or written or by affidavit as he may produce in that behalf, or on production of an affidavit, that the Writ of Summons and copy of claim aforesaid have been duly and personally served on such Defendant, may, if he shall think fit, make an Order granting or refusing the relief claimed, or directing any accounts or inquiries to be taken or made, (such accounts or enquiries to be taken or made before the Judge if he shall deem such course proper or expedient, or before the Clerk of such Court, at days or times to be appointed by the Judge for that purpose,) or may direct such other proceedings to be had for the purpose of ascertaining the plaintiff's title to the relief claimed, or make such other Order as according to the nature and circumstances of the case shall seem to be just and proper; and further,

Order to be made.

further, the Judge may direct such persons or classes of persons, as he may think necessary or fit, to be summoned or ordered to appear as parties to such claim, or on any proceedings with reference to any account or inquiries directed to be taken or made, or otherwise; and all oral evidence given by any person before such Judge relating to such claim, shall be upon the oath of the person giving the same, to be administered by or before said Judge; and further, in default of the appearance of either of the parties, the said Judge may make such Order as to the payment of costs by the party in default, as to him may seem meet.

Oral evidence to be on oath.

Defaults.

VIII. And be it enacted, That the said Judge of the County Court shall be the sole Judge in all actions brought in the said County Courts respectively under the jurisdiction given by this Act, and shall determine in a summary manner all questions of law or equity as well as of fact arising therein, unless the said Judge shall think it proper to have any fact or facts controverted in the action tried by a jury, or either party shall apply to have such facts tried by a Jury; and upon order made allowing a trial by Jury, such trial shall take place at the then next ensuing Sittings of such County Court, and be conducted in the same manner as other trials by Jury in the said Court are conducted, and the Judge may, unless a new trial be moved for within ten days after verdict rendered, proceed to make such Order and Decree on the verdict of such Jury as according to the nature and circumstances of the case shall seem just and proper.

County Judge to be the sole Judge.

Unless a Jury be applied for to try the facts: as it may be.

New trial.

IX. And be it enacted, That the Rules of decision in the said County Courts respectively, in respect to the matters aforesaid, shall be the same as govern the said Court of Chancery, (when not otherwise provided for by or under the authority of this Act) so far as the same may be held to be applicable to a Court of Summary Jurisdiction. And the said County Courts respectively shall possess full power and authority to enforce and compel obedience to their Orders, Judgments and Decrees, in respect to all and singular the matters hereinbefore and hereinafter set forth and contained; and that all Sheriffs, Gaolers, Coroners, Constables and other Peace Officers, shall be aiding, assisting and obeying the said County Courts respectively, in the exercise of their jurisdiction, when required by any County Court so to do.

Rules of decision to be as in Chancery.

Certain powers vested in the Court.

X. And be it enacted, That the Judge of the said County Court may at any time, in furtherance of justice and on such terms as he may think proper, amend such claim so filed as aforesaid, and any and every proceeding relating thereto, by adding or striking out the name of any party, or a mistake in any other respect, or by inserting other allegations material to the case, or by conforming such claim or proceeding to the facts proved, where the amendments shall not change substantially

Judge may amend the Claim in furtherance of justice.

substantially the form of the action, and may also in any stage of the proceedings disregard any error or defect which shall not affect the substantial rights of the adverse party, and may make any Order for granting time to the Plaintiff or Defendant to proceed in the prosecution or defence of his suit that to such Judge may seem necessary for the ends of justice.

How Orders may be enforced.

XI. And be it enacted, That every Order by the Judge of the County Court, made upon the hearing of any such claim as aforesaid, or in respect to such claim and suit, or in respect to the matters hereinbefore or hereinafter mentioned, may be enforced in the same manner as any Judgment or any Order of a County Court is or may be enforced in the said County Court, under the existing provisions of law in relation to the said Courts, so far as such provisions are applicable, or in such other manner as may be prescribed by Rules to be made in the manner hereinafter mentioned.

Judge to have the same power as Court of Chancery to order production of books, advertisements, &c.

XII. And be it enacted, That the Judge before or upon any hearing or trial, or upon taking any accounts or making any inquiries, shall have the same powers and authority to order the parties to produce books, papers and writings as is possessed by the Court of Chancery, and may cause advertisements for Creditors and next of kin, or other unascertained persons, and the representatives of such as may be dead, to be published in the usual forms or otherwise, as the circumstances may require, and in such advertisements, appoint a time within which such persons are to come in and prove their claims, and within which time, unless they so come in, they are to be excluded from the benefit of the Order.

No Order. &c. to be quashed for want of form.

XIII. And be it enacted, That no Order, Direction, Verdict, Decree or Judgment, or other proceeding made concerning any of the matters aforesaid, shall be reversed, quashed or vacated for want of form.

Summons when to be served.

XIV. And be it enacted, That every Summons, (except the Summons at the commencement of the action,) Order, Notice or other proceeding, shall be served ten days at least before the day on which the same is returnable, or the action thereunder intended, except where otherwise directed by the said Judge.

Costs.

XV. And be it enacted, That the costs in every action or proceeding brought or had under the authority of this Act in the said County Courts respectively, shall be paid by or apportioned between the parties in such manner as the Judge shall think fit, and that in default of any special directions the costs shall abide the event of the action or proceeding.

Affidavits.

XVI. And be it enacted, That all affidavits to be used in the said County Courts respectively may be sworn before any Judge

Judge or Clerk of the said Courts, or before any Commissioner for taking affidavits in the Superior Courts at Toronto.

XVII. And be it enacted, That any claim as aforesaid entered in a County Court under the provisions of this Act, shall be removable by either party into the Court of Chancery by Order of the said Court, to be obtained on a summary application by motion or petition supported by affidavit, of which reasonable notice shall be given to the opposite party, and the said Order shall be made on such terms as to payment of costs, giving security in respect to the relief claimed and costs, or upon such other terms as to the said Court of Chancery shall seem reasonable, just and proper ; but no claim shall be so removed as aforesaid, unless the said Court of Chancery shall be of opinion that the same is of such a nature as to render it proper that the same should be withdrawn from the jurisdiction of the said County Court, and disposed of in the said Court of Chancery.

Claims may in certain cases be removed into Chancery.

XVIII. And be it enacted, That either party may appeal to the said Court of Chancery against any Order or Decree made by the Judge in any County Court under the provisions of this Act ; and the said Court of Chancery shall make such Order thereupon in respect to costs or otherwise, or for referring back the same matter to the Judge before whom the same has been first heard, as shall be just and proper ; Provided always, That before the County Court Judge shall be called on to certify the said Order or other matter appealed against to the said Court of Chancery, the party appealing shall enter into a recognizance, with sufficient bail to the satisfaction of the said Judge, to pay the sum decreed in case no relief shall be had on such appeal, or to obey the said Order, (or as the case may be,) and that when the party appealing appears by Attorney, an affidavit shall be made by such Attorney, that the appeal is not intended for delay as he believes, and that there is in his opinion probable cause for reversing the Order or Decree against which the appeal is made ; and the said Court of Chancery shall specially make the necessary regulations for the practice to be observed in proceedings under this and the next preceding section.

Appeal given to Chancery.

Proviso.

Chancery may make regulations.

XIX. And in order that procedure under this Act may be fully traced out, and from time to time be improved and rendered as simple, speedy and cheap as may be—Be it enacted, That it shall be the duty of the Judges of the said Court of Chancery, and they are hereby authorized and empowered to frame such General Rules and Orders and all such forms as to them shall seem expedient, for and concerning the practice and proceedings in the said County Courts in relation to the powers conferred on such Courts by this Act, and for the execution of the Orders and Process under this Act, and in relation to any of the provisions thereof as to which there may arise doubts ; and

Chancery to frame general Rules and Orders for carrying this Act into effect.

And may
amend the
same.
Their effect.

and from time to time to alter and amend such Rules, Orders and Forms, and also the forms and mode of procedure prescribed by this Act; and such Rules, and Orders and Forms as shall be made and framed by the said Judges or any two of them, (of whom the Chancellor of Upper Canada shall be one,) shall from and after a day to be named therein, be in force in every County Court in Upper Canada, and shall be of the same force and effect as if the same had been embodied in this or some other Act of Parliament.

Fees payable
to Fee Fund.

XX. And be it enacted, That there shall be payable on every proceeding for equitable relief or other proceeding under this Act in the said County Courts respectively, the fees which are set down for such proceeding respectively in the Schedule to this Act marked C, and that the Clerks of the said County Courts respectively, shall keep a separate account of such fees, and shall render an account to the Receiver General of fees in his County, and shall pay over the amount of such fees to such Receiver General, under the same liabilities, securities and conditions, and to be accounted for in like manner as the present General Fee Fund of the County, and that the several provisions of the Act passed in the eighth year of Her Majesty's Reign and intituled, *An Act to amend, consolidate and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada*, in relation to the receiving, accounting for and paying over fees, and in relation to the responsibilities and duties of County Treasurer and Clerks, shall apply to the fees under this Act as fully as if the said provisions were herein contained and re-enacted.

How to be
accounted for,
&c.

8 V. c. 13.

Other Fees.

XXI. And be it enacted, That there shall be payable to the Clerk of every County Court, and to the Sheriff of every County respectively, the fees which are set down for such proceedings respectively in the Schedule to this Act annexed marked D, and that the scale of costs to be paid to Attorneys and Counsel in the said County Courts, as between party and party, for proceedings under this Act, shall be according to Schedule E to this Act annexed.

No costs to
Plaintiff proceeding
in Chancery
instead of
under this
Act.

XXII. And be it enacted, That if any action or proceeding be commenced in the said Court of Chancery after this Act shall come into force, for any cause or claim which might have been entered in a County Court under this Act, no costs shall be taxed against the Defendant in such action or proceeding, and the Defendant, if he shall succeed in his action, shall be entitled of right to a Decree against the Plaintiff for his costs, as between Attorney and Client, unless the said Court of Chancery shall be of opinion that it was a fit cause or claim to be withdrawn from a County Court and entered in the said Court of Chancery.

Exception.

XXIII. And be it enacted, That this Act, and the several Acts of Parliament now in force relating to County Courts, or affecting in any way their powers or practice, shall be read and construed as one Act, as if the several provisions therein contained, not inconsistent with the provisions of this Act, or inapplicable to an equitable jurisdiction, were repeated and re-enacted in this Act.

This Act incorporated with other County Court Acts.

XXIV. And be it enacted, That in construing this Act and the Schedules thereto, the following words shall have the several meanings hereby assigned to them over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz: The words "person" or "party" shall be understood to mean a body politic or corporate as well as an individual, and every word importing the singular number, shall, when necessary to give full effect to the enactments herein contained, be understood to mean several persons or things as well as one person or thing; and every word importing the masculine gender shall, when necessary, be understood to mean a female as well as a male; and the word "affidavit" shall include affirmation, and the word "legacy" shall include an annuity and a specific as well as a pecuniary legacy; the word "legatee" shall include a person interested in a legacy; and the words "residuary legatee" shall include a person interested in the residue; and the word "County" shall include any two or more Counties united for judicial purposes.

Interpretation clause.

Person.

Singular number.

Gender.

Affidavit.

Legacy.

Legatee, &c.

County.

XXV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal instruments and other proceedings, it shall be sufficient to use the expression, "The County Courts Equity Extension Act."

Short Title of this Act.

XXVI. And be it enacted, That this Act shall commence and take effect on the Thirty-first day of December next after the passing hereof.

Commencement of Act.

SCHEDULE A.

In the County Court of the County of

A. B., of the Township of _____ in the said County, states, that from the _____ day of _____ down to the _____ day of _____ he, and C. D., of the Township of _____ in the said County, carried on the business of _____ in copartnership, under certain articles of copartnership dated the _____ day of _____ and made between the said A. B. and the said C. D., on the _____ day of _____ (or under a verbal agreement, &c., as the case may be), that the said Copartnership was dissolved (or expired, as the case may be,) on the _____ day of _____ yet that the said C. D. refuses to account with _____

with the said A. B. concerning the dealings and transactions thereof. The said A. B. claims relief in the premises, and that an account of the partnership dealings and transactions between the said A. B. and C. D., may be taken, and the affairs and business of the said Copartnership wound up and settled under the directions of the Court, and such further relief given as may be just and proper. And the said A. B. requests that a Writ of Summons be issued from the Court, according to the Statute in that behalf, requiring the said C. D. to appear on the _____ day of _____ before the Judge of the Court, to show cause, if he can, why the relief claimed by the said A. B. should not be had, and such Order in the premises made as may be just.

Dated the _____ day of _____
 _____ A. B., in person.
 (Or A. B. by J. P., one, &c.)

SCHEDULE B.

Victoria, &c.,

(County of _____)

To C. D. of _____

GREETING :

[L. S.] You are hereby summoned to appear either in person or by Attorney before His Honor the Judge of the County Court of the County of _____ on the _____ day of _____, at twelve o'clock noon, at the Court House in the town of _____ to answer the complaint of A. B. of the, &c. _____ who has filed a claim against you in this Court for an account of the dealings and transactions respecting a partnership between you and the said A. B. now expired, (or as the same may be, stating briefly the nature of the claim) a certified copy of which claim is hereto attached, and you are required then and there to show cause, if you can, why such relief as is claimed by the said A. B. should not be had, or why such Order as shall be just, with reference to the claim, shall not be made.

Witness,

 Court of the County of _____
 day of _____

Esquire, Judge of the County
 at _____, this _____

SCHEDULE C.

Fees to be received by the Clerk and to belong to and to be paid over to the Fee Fund.

Every claim filed *One Shilling and Three Pence*; Every Writ of Summons, or other Writ under the Seal of the Court, *One Shilling and Three Pence*; every Order or application for Order,

Order, *One Shilling and Three Pence*; every Hearing, *Five Shillings*, to be increased in the discretion of the Judge to a sum not exceeding *Ten Shillings*; every Oath administered in Court, *One Shilling*; every Certificate under Seal of Court, *One Shilling and Three Pence*; every Sitting in taking an account, or other Sittings, *Five Shillings*.

SCHEDULE D.

Fees to the Clerk.

Receiving and filing Claim, *Four Pence*; every Writ of Summons, or other Writ, *One Shilling*; filing every separate paper, *Three Pence*; preparing Order, *One Shilling and Four Pence* per folio for every folio over three; taking any Affidavit other than oath in open Court, *One Shilling*; every Search, *Six Pence*; recording every final Order or Decree, *One Shilling*; other Orders, *Six Pence*; every Certificate not exceeding three folios, *One Shilling*; every Special Writ, Writ of Execution or other Special Document, *Eight Pence* per folio; taxing costs, *One Shilling*; every attendance on reference, *Five Shillings*; every Verdict taken, *Two Shillings and Six Pence*.

Fees to the Sheriff.

Every Summons or Order served, including Return, *Two Shillings and Six Pence*; every Jury sworn, *Two Shillings and Six Pence*; every Execution or Judgment Order received, *One Shilling and Three Pence*; return thereof, money made or party arrested, *One Shilling and Three Pence*; necessary mileage actually travelled, *Four Pence per mile*; and for other services, a sum to be fixed by Order of the Judge not exceeding the present allowance by Statute for similar services.

SCHEDULE E.

ATTORNEY AND SOLICITOR.

Instructions to sue or defend, *Two Shillings and Six Pence*; Drawing Claim, *Two Shillings and Six Pence*; Fee on every Writ or Order, *One Shilling and Three Pence*; Common Affidavits *One Shilling*; Common Notice or Appointment, *One Shilling*; Every necessary Attendance, *Six Pence*; Special Affidavits and other Special Documents, *Eight Pence* per folio; Fee on Common Motions, *One Shilling and Three Pence*; Copy of every paper when necessary, half the amount allowed for the Original; Bill of Costs, *One Shilling*; Postages actually paid.

COUNSEL.

Fee on Special Applications, Arguments, Hearings, &c., *Ten Shillings*, to be increased at the discretion of the Judge to *Twenty-five Shillings*.

C A P . C X X .

An Act to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof.

[Assented to 23rd May, 1853.]

Preamble.
13 & 14 V. c.
55.

WHEREAS it is necessary to amend some of the provisions of The Upper Canada Jurors' Act of one thousand eight hundred and fifty, as the said Act was originally passed, and as it stands amended by the Upper Canada Jurors' Law Amendment Act of one thousand eight hundred and fifty-one : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fourth, twelfth, twenty-seventh, thirty-sixth and sixty-ninth clauses of the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and the twenty-third and eighty-first Sections of the said Act as amended by the said Act amending the same, shall be and the same are hereby repealed upon, from and after the day upon which this Act shall come into force.

Certain sections of 13 & 14 V. c. 55, repealed.

Clause substituted for repealed sect. 4 of the said Act.

Property qualification.

II. And be it enacted, That the following clause shall be substituted for the repealed fourth section of the Act first above cited and shall be read as part of the said Act : "And be it enacted, That the amount of property in respect of which every man shall be qualified and liable to serve as such Juror, shall be determined by the relative amount of property for which he shall be assessed on the Assessment Roll of the Township, Village or Ward of which he shall be a resident inhabitant at the time of the annual election of Jurors, by the Selectors for such Township, Village or Ward as hereinafter provided, and that the mode for ascertaining the same shall be as follows, that is to say : The names of one half of the assessed Resident Inhabitants of the Township, Village or Ward, shall be copied from the Assessment Roll of such Township, Village or Ward, commencing with the name of the person rated at the highest amount on such Roll, and proceeding successively towards the name of the person rated at the lowest amount, until the names of one half of the persons assessed upon such Roll shall have been copied from the same ; and the amount for which the last of such persons shall be assessed upon the said Roll, shall be that which shall qualify every Resident Inhabitant of such Township, Village or Ward, and render him liable to serve as such Juror."

III. And be it enacted, That the following clause shall be substituted for the repealed twelfth section of the Act first above cited, and shall be read as part of the said Act : " And be it enacted, That the Selectors of Jurors for each City, Town, Village and Township in Upper Canada, shall annually, on the day mentioned in the next preceding section of this Act, or on the first day thereafter, not being a Sunday or other Statutory Holiday, if such first mentioned day shall be a Sunday or other Statutory Holiday, or if they shall have been unable to complete the duty hereby imposed upon them on such first day, proceed to select such names from such Rolls accordingly : Provided always, nevertheless, firstly, that after striking from the said Roll the names of all persons exempt from serving as Jurors on all of the divisions of Jurors mentioned in the thirteenth section of this Act, and also the names of those who, from not possessing a sufficient amount of property, or from other causes, are disqualified from serving as Jurors, according to this Act, the Selectors shall select, as qualified to serve on Juries, at least two thirds of the persons whose names may then remain on the said Roll : And provided also, secondly, that in case of an equality of votes amongst such Selectors of Jurors as to any one or more of the names to be so selected, or as to the Division of the Report of such Selectors in which any such name should be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise in the performance of the duty hereby imposed upon such Selectors, the Mayor or Townreeve, or in case of his absence or the vacancy of the office, the City, Town, Village or Township Clerk, or in the absence or vacancy of the offices of both, then the Assessor whose Roll for the year shall have contained the greatest number of assessed names, and in the case of joint Assessors the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the same."

Clause substituted for repealed section 12 of the said Act.
Meeting of Selectors.

Proviso.

Proviso.

IV. And be it enacted, That the following clause shall be substituted for the repealed twenty-third section of the Act first above cited as amended, and shall be read as part of the said Act : " And be it enacted, That the Clerk of the Peace shall, on or before the thirty-first day of December thereafter, cause a correct copy of such Jurors' Book to be made and deposited in the Office of the Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench at Toronto, which shall be certified by him to be a true copy of the original, and from it, in the event of the loss or destruction of the original by fire or other accident, a duplicate original of such Jurors' Book may be made, and being certified by the said Clerk of the Crown and Pleas, to be truly copied from the copy deposited in his Office, shall, upon such loss or destruction being established upon oath or affirmation before two or more Justices of the Peace of such County or Union of Counties, be received

Clause substituted for repealed sect. 23 of the said Act.

Deposit of certified copy of Jurors' Book at Toronto.

Its effect and use.

received and used on all occasions and for all purposes, as the original which shall have been so lost or destroyed as aforesaid: Provided always, nevertheless, that in every such case of the destruction of any original Jurors' Book, it shall be the duty of the Clerk of the Peace for such County or Union of Counties, to procure, as soon as reasonably may be, such duplicate original of such book so certified as aforesaid, and to deposit the same in his Office as above provided, and that in every such case it shall be the duty of the Sheriff or other Officer or Minister of such County or Union of Counties to whom the return of Jury Process shall belong, upon a notice to him by the Clerk of the Peace of such destruction, and of the procurement and deposit of such duplicate original in lieu thereof, which notice every such Clerk of the Peace is hereby required to give as soon as may be thereafter, to furnish to such Clerk of the Peace copies of all Panels of Jurors drafted by such Sheriff or other Minister from the Jury Lists in such book; and it shall thereupon be the duty of such Clerk of the Peace to enter such Panels in such duplicate Original Jurors' Book accordingly, as the same were entered in the said Original Jurors' Book."

Clause substituted for repealed sect. 27 of the said Act.

Mode of drafting.

Panel of Jurors.

V. And be it enacted, That the following clause shall be substituted for the repealed twenty-seventh section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the manner of drafting such panel shall be as follows, that is to say: the Sheriff or other Officer to whom the return of such panel shall belong, shall place the Ballots promiscuously in a Box or Urn to be procured by him for that purpose, and shall cause such Box or Urn to be shaken so as sufficiently to mix the ballots, and he shall then openly draw from the said Box or Urn indiscriminately, one of the said ballots, and declare openly the number of such ballot, whereupon the Clerk of the Peace, or one of the Justices of the Peace present at such drawing as aforesaid, shall immediately declare aloud the name to which such number is appended in the Jury List from which the Panel is to be drafted; and thereupon, if such person shall be exempt from being drafted or serving upon such panel, under the provisions of the sixth section of this Act, or if upon the face of such Jury List it shall appear that the person whose number has been so drafted has been already drafted to serve on any other panel drafted from such Jury List, in obedience to any precept for the return of any general panel, for any sessions or sittings of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, General Quarter Sessions of the Peace, or County Court, and that such person has actually attended and served upon such Panel as aforesaid, and there shall remain a sufficient number of names on such Jury List to complete the panel then in course of being drafted, without taking any of those who have been previously drafted upon any such former panel from the same list, the same shall be publicly announced, and that the name of every such person so drafted

drafted is on such account, respectively, not inserted in such panel. But if upon examination of such Jury List, no such cause shall appear for omitting the name of such person from the said panel then being drafted, the name and addition of the person whose name shall have been so drafted, shall be thereupon written down on a sheet of paper to be provided for that purpose, and such name shall, by the said Sheriff or other Officer, be thereupon marked on the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book. Which being done, the Sheriff shall proceed in like manner to draft and dispose of other numbers from the said Box or Urn, until the necessary number for the panel to be so drafted shall be completed. After which, the names so drafted, with the places of residence and additions of the parties, arranged alphabetically, shall, by such Sheriff or other Officer, be transcribed on another sheet of paper, with a reference to the number of such name on the Jury List, and such name shall, by the said Sheriff or other Officer, or his Deputy, be thereupon marked in the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book. Whereupon, such panel so alphabetically arranged and numbered, with a short statement of the Writ or Precept in obedience to which it was drafted, the date and place of such drafting, and the names of the Sheriff or other Officer or Minister, or his Deputy, and of the Clerk of the Peace and Justices of the Peace, present at such drafting, or at least of two of them, shall be fairly entered in the said Jurors' Book, and attested by the signatures of such Sheriff or other Officer or Minister, or his Deputy, and of the said Clerk of the Peace and the said Justices, or at least two of them, and the said Sheriff shall, upon his return of the Writ of *venire facias*, or Precept under authority of which such panel was drafted, annex a panel to the said Writ or Precept containing the names, together with the places of abode and additions of the persons so drafted upon such panel, and shall transmit one copy thereof to the office of the Clerk of the Peace, and another to the Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench at Toronto, each of which copies, as well as the Jurors' Book, shall at all reasonable times be open to inspection by litigants or their professional Agents, without fee or reward."

VI. And be it enacted, That the following Clause shall be substituted for the repealed thirty-sixth section of the Act first above cited, and shall be read as part of the said Act :
 " And be it enacted, That the name of each man who shall be summoned and empannelled as a Petit Juror upon the general Precept for any Sittings or Sessions of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, with his place of abode and addition, shall be written distinctly on a piece of Parchment, Card or Paper, such pieces of Parchment, Card or Paper being all

Clause substituted for repealed sect. 36 of the said Act.
 Ballots for drafting Petit Jurors how to be made.

as nearly as reasonably may be of the form and size following, viz :

DAVID BOOTHE,
of Lot No. 11, in the 7 Con. of Albion,
MERCHANT.

To be placed in an Urn or Box of a certain description.

Mode of drawing the same.

and shall be delivered to the Clerk of Assize, Marshal or other Clerk of such Court by the Sheriff, and shall by the direction and care of such Sheriff, be put together in a Box or Urn to be provided for that purpose, and when any issue shall be brought on to be tried by the Jurors returned upon such general Precept, such Clerk of Assize, Marshal or other Clerk of such Court, shall, in open Court, cause such Box or Urn to be shaken so as sufficiently to mix such pieces of Parchment, Card or Paper, and then draw out twelve of the said Parchments, Cards or Papers one after another, (causing the said Box or Urn to be shaken after the drawing of each name) and if any of the men whose names shall be so drawn shall not appear or shall be challenged and set aside, then such further number until twelve men be drawn, who shall appear, and after all just causes of challenge allowed, shall remain as fair and indifferent, and the said twelve men so first drawn and appearing and approved as indifferent, their names being noted in the Minute Book of such Clerk of Assize, Marshal or other Clerk of such Court, and they being sworn, shall be the Jury to try the issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their verdict, and the same shall be recorded, or until such Jury shall by consent of the parties, or by leave of the Court, be discharged, and then the same names shall be returned to the Box or Urn, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

Clause substituted for repealed sect. 69 of the said Act.

VII. And be it enacted, That the following Clause shall be substituted for the repealed sixty-ninth Section of the Act first above cited, and shall be read as a part of the said Act: And be it enacted, That in all inquests to be taken before any of the Courts in Upper Canada wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen, that the Jurors of those inquests, or some of them, be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause; but if they that sue for the Queen will challenge any of those Jurors, they shall assign of their challenge a cause certain, and the truth of the same challenge shall be inquired of according to the custom of the Court; and

Cause to be assigned for challenges on behalf of the Crown.

and it shall be proceeded to the taking of the same inquisitions as it shall be found if the challenges be true or not, after the discretion of the Court; Provided always, that nothing herein contained shall affect or be construed to affect the power of any Court in Upper Canada, to order any Juror to stand by until the panel shall be gone through, at the prayer of them that prosecute for the Queen, as has been heretofore accustomed." Proviso.

VIII. And be it enacted, That after the passing of this Act, it shall not be a good ground of challenge against any person, who may be called upon to serve as a Juror, that he belongs to any Religious persuasion or denomination allowed by Law to affirm in civil cases instead of taking an Oath, but every such person shall be as eligible and liable to serve on all Juries and inquests on his being affirmed, as if he had been sworn in the usual way. Certain matters not to be a cause of challenge.

IX. And be it enacted, That the following Clauses shall be substituted for the repealed eighty-first Section of the Act first above cited as amended, and shall be read as part of the said Act: 1. "And be it enacted, That the Selectors of Jurors, for every selection and distribution of Jurors, and the Report thereof made by them under this Act, shall be entitled to such sum of money as shall be authorized to be awarded them by the Municipality of which they shall respectively be Officers; and that such sums of money shall be paid to them respectively by the Treasurers (or Chamberlains, as the case may be,) of their respective Townships, Villages, Towns and Cities, in such manner as such Municipalities may severally direct, and which money shall be paid by such Treasurers (or Chamberlains) to every such Selector of Jurors upon receipt of a Certificate from the Clerk of the Peace for such County or Union of Counties, that such Report had been duly made to him within the time for that purpose prescribed by this Act." Clauses substituted for repealed Sect. 81 of the said Act.
Allowance to Selectors, and how payable.

2. "And be it enacted, That the Clerk of the Peace of every such County or Union of Counties, and the Clerk of the Recorder's Court of every City, in which a Recorder's Court shall have been established, shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say: Fees to Clerks of the Peace and of Recorder's Courts.

"For receiving and examining the Report of Selectors for each City, Town, Village and Township, causing any deficiency which may be found therein to be supplied, and filing the same in his Office, Two Shillings and Six Pence.

"For giving Certificate to Selectors of Jurors of report having been made, Two Shillings and Six Pence.

"For Blank Jurors' Book, the actual amount of the Stationers' charge.

"For

“ For arranging alphabetically and in order, the names contained in Selectors' Report, per one hundred names, Ten Shillings.

“ For making up Jurors' Book, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, Five Shillings.

“ For each copy of the Jurors' Book required by this Act, per one hundred names, Five Shillings.

“ For preparing on cards the ballots for Jurors, to correspond with numbers in Jurors' Book, per one hundred names, Two Shillings and Six Pence.

“ For each certificate required to be entered on Jurors' Book to verify the same, Five Shillings.

“ For balloting and entering each Jury List, per one hundred names, Thirty Shillings.

“ For Copy of Jury List required to be entered, per one hundred names, Ten Shillings.

“ For each Panel of Jurors drafted from the Jury List, per one hundred names on such Jury List, Ten Shillings.

“ For entering each Panel in the Jurors' Book, with the numbers corresponding to the Jury List, Ten Shillings.

“ For making up aggregate Return in detail of Jurors, Twenty Shillings.

“ For Copy thereof and transmitting the same to Provincial Secretary, when required, and for Office Copy of the same, each, Ten Shillings.

Fees to Sheriffs, High Bailiffs, &c.

“ That the Sheriff, High Bailiff or other Officer of every such County, Union of Counties or City, shall, exclusive of such Fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by them under this Act, that is to say :

“ For each Panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the return of Grand or Petit Jurors for any Sittings or Sessions of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County or Recorder's Court, respectively, under this Act, Twenty Shillings.

“ For Copy of such Panel to be returned in the Office of the Clerk of the Crown and Pleas of the Court of Queen's Bench at Toronto, Five Shillings.

“ For

“For every Certificate given to any Juror, when required by such Juror, of his having served, to evidence his exemption from serving again until his time for doing so shall return in its course, the sum of One Shilling and Three Pence, to be paid by such Juror ;

“The sum of Six Pence for every mile that the Sheriff or his Deputy or Bailiffs may necessarily and actually have had to travel from the County Town, for the purpose of serving Summonses on such Jurors.

“And that the Crier of every such Court of Quarter Sessions, Fees to Recorder's Court, shall, for making the Proclamations, calling the names of all those drawn in the course of balloting such Jury Lists, and performing all other duties required of him under the said Act, be entitled to the sum of Fifteen Shillings, for every one hundred names so drawn. criers.

“Which several sums shall be paid by the Treasurer of such County or Union of Counties, or by the Chamberlain of such City, as the case may be, to such Officers severally, out of any moneys in his hands belonging to such County, Union of Counties or City, respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioner for taking affidavits in some one of Her Majesty's Superior Courts of Common Law at Toronto, for such County, or Union of Counties, of such several services having been executed, and of such travel having been so necessarily performed in the service of such Summonses. For all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his accounts with such County Union of Counties or City, as if the same had been paid under the special authority and direction of the Municipal Corporation of such County, Union of Counties or City, respectively : Provided always, nevertheless, That in all such cases when there shall be more than a hundred or an even number of hundreds of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred.” Treasurer or Chamberlain to pay the same and on what authority.

X. And be it enacted, That the word “County” in this Act and the Act hereby amended, shall include Unions of Counties for judicial purposes ; and that in pleading, citing or otherwise referring to this Act, it shall in all cases be sufficient to use the expression, The Upper Canada Jurors' Law Amendment Act of 1853. Interpretation clause.

Commence-
ment of Act.

XI. And be it enacted, That this Act shall have force and effect upon from and after the first day of July, one thousand eight hundred and fifty-three, and not before.

C A P . C X X I .

An Act to amend an Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to amend the law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases, less difficult and expensive.*

[Assented to 23rd May, 1853.]

Preamble.

Act of U. C.,
4 W. 4, c. 1.

Mortgagee
may make
entry or bring
suit, at any
time within
twenty years
from the last
payment.

Proviso: as
to existing
suits, &c.

WHEREAS doubts have been entertained as to the effect of a certain Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to amend the law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases, less difficult and expensive*, so far as the same relates to Mortgages, and it is expedient that such doubts should be removed: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any person entitled to or claiming under any Mortgage of Land, being Land within the definition contained in the fifty-ninth Section of the Act cited in the Preamble to this Act, to make an Entry or bring an Action at Law or Suit in Equity to recover such Land, at any time within twenty years next after the last payment of any part of the principal money or interest secured by such Mortgage, although more than twenty years may have elapsed since the time at which the right to make such Entry, or bring such Action or Suit in Equity, shall have first accrued; Provided always, that this Act shall not be held to affect any title, possession, interest or case which may be in litigation at the time of the passing of this Act; any thing in the said Act to the contrary notwithstanding.

CAP. CXXII.

An Act to remedy certain irregularities and omissions in preparing the Lists of Jurors for the District of Saint Francis.

[Assented to 23rd May, 1853.]

WHEREAS the Jury Lists for the several Courts of Civil and Criminal Jurisdiction within the District of Saint Francis, have not been completed, renewed and deposited at the times and in the manner and form prescribed and required by the several Statutes regulating the summoning of Jurors in Lower Canada; And whereas it is expedient to provide a remedy for the said irregularities and omissions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Sheriff of the said District of Saint Francis shall, between the day of the passing of this Act and the tenth day of the month of June, in the present year of our Lord, one thousand eight hundred and fifty-three, complete the several lists of Jurors for the Courts of Queen's Bench and General Sessions of the Peace, and for the Superior and Circuit Courts within the said District, in the manner prescribed by and in conformity to the provisions of the Act of the Legislature of this Province, passed in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to regulate the summoning of Jurors in Lower Canada*, the Act of the said Legislature passed in the eleventh year of Her Majesty's Reign, intituled, *An Act to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada were intended to have force and effect*, and the Act of the said Legislature passed in the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act intituled, 'An Act to regulate the summoning of Jurors in Lower Canada'*, and shall, on or before the said tenth day of June, deposit such Jury Lists at the several places in the said District indicated in the Act hereinbefore secondly cited.

Preamble:

Sheriff to complete lists of Jurors before a certain time in the manner provided by

10th and 11th Vic. c. 13,

11 Vic. c. 2,

and 14th and 15th Vic., cap. 89, and deposit the same.

II. That the said Jury Lists, when so completed and deposited, shall to all intents and purposes have the same force and effect, as if the same had been actually completed and regularly deposited in the month of July, in the year of our Lord, one thousand eight hundred and forty-nine.

Such lists to be of full force.

Lists to be revised biennially.

Time of first revision.

III. That the said Jury Lists so to be made under the provisions of this Act shall be revised in the month of July of every second year in the manner prescribed by the Act hereinbefore secondly cited; and that the first revision thereof shall take place in the month of July, in the year of our Lord, one thousand eight hundred and fifty-five.

Past proceedings confirmed.

IV. That every Judgment, Verdict, Presentment, or other act or proceeding, rendered, made, done or had by any Jury within the said District, in the Courts of Civil or Criminal Jurisdiction up to the day of the passing of this Act, shall have the same force and effect as if the Jury Lists from which the said Juries were taken had been duly and regularly made and deposited in the manner heretofore required by Law.

Recital.

V. And whereas George Frederick Bowen, the Sheriff of the said District of Saint Francis, was lately assaulted and grievously cut, bruised and wounded while in the due execution of his duty as such Sheriff; And whereas certain persons now stand charged under oath with having committed the said offence, whom it is necessary to bring to trial; And whereas doubts have arisen as to the competency of any Jury which may be summoned by the said Sheriff to try the persons accused of the said offence: Be it therefore enacted, That it shall be the duty of the Coroner of the said District of Saint Francis, upon receiving an order to that effect from any one of the Judges of the Court of Queen's Bench for Lower Canada, to select and summon from and out of the Jury List completed under the provisions of this Act, a sufficient number of duly qualified persons as Grand Jurors to constitute the Grand Inquest of the said District, who shall alone have power and authority to inquire into the said last mentioned offence, and in relation to the said charges to make all necessary presentments, and to do such other things as to law in that behalf appertains, and also a sufficient number of Petit Jurors for the trial of persons charged with the said offence.

Coroner to summon Grand and Petit Jurors in the case of the assault on the Sheriff.

C A P . C X X I I I .

An Act to explain and amend the Act intituled, *An Act to establish a Consolidated Municipal Loan Fund in Upper Canada.*

[Assented to 23rd May, 1853.]

Preamble.
16 V. c. 22.

WHEREAS it was intended that the ninth Section of the Consolidated Municipal Loan Fund Act should apply to By-laws passed or in course of being passed before said Act came into force for the purpose of aiding in the construction of any Railway, or for the improvement of any navigable River or other such work as provided for by the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative

Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the ninth Section of the Act aforesaid shall be held to include any By-law for any of the purposes mentioned in the preamble to this Act which was passed before the said Act came into force, or which has been passed since the said Act came in force, but at the date of such Act was in the course of being passed.

Sec. 9 of the said Act to apply to By-laws then passed or passing.

II. That before any such Municipality shall receive or be entitled to receive any money to be raised under the above recited Act, a true copy of the By-law under which the money is to be raised, together with affidavits of the Treasurer and Clerk of the Municipality verifying the same and such other information as the Governor in Council may require, shall be transmitted to the Receiver General.

Copy of such By-law to be sent to Receiver-General.

III. That if the Governor in Council shall approve of such By-law, it shall not be necessary to impose or levy annually the sum or rate per pound which may have been fixed in such By-law to pay the principal and interest of the Loan, but such sum only shall be levied and collected, as may be necessary under the provisions of the sixth Section of the said in part recited Act, and all proceedings in connection with such Loan and By-law or for the recovery of any sum of money which ought to be paid thereunder, may be had and taken as if the said By-law had been passed for the purpose of raising money under the said in part recited Act and after the same came into force.

If the By-law be approved, certain rates need not be imposed or levied.

IV. That all Debentures which have been or can be issued under the authority of such By-laws as are referred to in the first Section of this Act, shall be deposited with the Receiver General before the Municipality shall be entitled to receive any of the money to be raised under any such By-law, and upon payment by the Municipality of the whole amount which shall be payable in respect of the said Loan, such Debentures shall be cancelled and destroyed in such manner as the Governor in Council shall direct; Provided always, that the money to be raised under any such By-law shall be paid by the Receiver-General only on the joint order of the Head of such Municipality and the President of the Company entitled to receive the same; Provided also, that when any such By-law shall have been passed by the Council of any Union of Counties, and such Union shall at any time be dissolved after the passing of such By-law, the several Counties of which such Union of Counties was composed, shall continue to be liable in respect of the Loan raised under such By-law as

All Debentures issued under such By-law to be deposited with Receiver-General, before any new ones shall issue.

Proviso.

Proviso: as to By-laws passed by Unions of Counties.

fully

fully and effectually to all intents and purposes as if such Union had not been dissolved, and the Sheriff of the Senior County shall have power within every county which at the time of the passing of such By-law formed part of such former Unions of Counties, to levy any rate which he may be required to collect under the seventh Section of the said in part recited Act, in the same manner as if such Union of Counties had not been dissolved; Provided also, that in case of any dissolution of a Union of Counties as aforesaid, the order hereinbefore mentioned shall be signed by the Head of the Municipality of the Senior County of such former Union.

Proviso.

No informality to affect the validity of the By-law when once approved by Governor in Council.

V. And be it enacted, That no informality or irregularity in any such By-law or in the proceedings relative thereto anterior to the passing thereof, shall in any way affect the validity thereof after the Governor in Council shall have approved such By-law, but the order in Council approving such By-law shall be held to cover any such informality or irregularity, and the By-law shall be valid to all intents and purposes, and proceedings may be had for enforcing the payment by the Municipality the Council whereof passed such By-law and by the inhabitants thereof under the provisions of the Act hereinbefore in part recited, as if the By-law had been passed after the said Act and all the requirements thereof had been complied with in regard to such By-law.

Not to apply when Debentures have been sold, &c.

VI. Nothing herein contained shall be held to authorize the raising of any Loan under the said Act, when such Loan shall have been negotiated or the Debentures issued therefor sold to any party before the passing of the said Act.

Act extended to money raised for supplying Gas or Water to any Town.

VII. And be it enacted, That it shall be lawful for the Corporation of any Incorporated Town in Upper Canada, to authorize any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum, or so much thereof as may be found requisite, to defray the expence of erecting and maintaining Gas or Water works, or both, within and for the use of such Town, or for constructing or aiding in the construction of any Plank Roads or Macadamized Roads, the making of which will benefit the inhabitants of such Town, in the same manner and to the same effect and under and subject to the same provisions and the observance of the same formalities as are attached to the raising and appropriation of any sum of money to any other purpose in and by the said Act cited in the preamble to this Act and by this Act

Or making Plank or macadamized Roads leading to it.

X See 18 Re caps. 13 adding to the purposes for which money may be borrowed —
CAP.

CAP. CXXIV.

An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.

[Assented to 23rd May, 1853.]

WHEREAS it is expedient to provide for the construction Preamble.
of Piers and Wharves, for dredging and deepening Harbours, and constructing Docks to increase the safety of vessels and facilitate the operation of loading and unloading or repairing the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any number of persons not less than five, respectively, may form themselves into a Company for the purpose of constructing any Piers or Wharves, or for dredging or deepening or making any Harbour, or for the erection of Dry Docks and Marine Railways connected therewith, in Upper Canada ; Formation of Company.
Provided that before any Company to be formed under the provisions of this Act, shall proceed with their work, it shall be necessary for them to obtain the consent of the Municipality within which such work is proposed to be made, which Municipality shall have the power to fix the limit and boundary of the proposed Harbour ; Proviso : Previous consent of Municipality.
Provided secondly, that no Company so formed shall have power to take any private property without the consent of the owner, or to take or interfere with any property belonging to the Crown, without the approval of the Governor in Council, nor shall any such Company obstruct any Harbour now in use, or interfere with any Company already chartered or Board of Commissioners incorporated for the construction of a Harbour. Proviso : Property not to be taken without consent.

II. And be it enacted, That when a Company shall have been formed under the provisions of this Act, and a sufficient amount of Stock shall have been taken, adequate in their judgment to complete the work, they shall execute an Instrument according to the Schedule to this Act annexed, and register such Instrument with the Registrar of the County in which such work shall be situated. Articles to be executed and registered.

III. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall henceforth become and be a chartered and incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid ; and by such name, they and their successors, shall and may have Incorporation and general corporate powers.

Real property. have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any lands, tenements and hereditaments whatsoever, which may be or have been thought to be useful, and necessary for the purpose of such Corporation.

Directors.
how appointed
or elected.

IV. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall or may be formed under the provisions of this Act, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, the qualification of voters and of Candidates for the Direction, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act; which By-law shall be published in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks; and the said Directors shall have full power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish the said amended By-law in the manner above provided, and any majority of such Directors shall be a *quorum* for the transaction of business; Provided, however, that if the annual Election of Directors for any such Company shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall, in that case, continue to serve until another election of Directors shall be held, and such other election shall in such case be held at such time within one month thereafter, as shall have been or shall be provided for by any By-law passed or to be passed by the Directors of such Company for that purpose.

Proviso.

Shares to be
£5 each.

V. And be it enacted, That each share in every such Company shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

VI. And be it enacted, That any such Company so to be incorporated as aforesaid, may, in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of Stock which such Stockholder may neglect to pay, after public notice thereof for two weeks, in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company, or after a personal demand for payment shall have been made from such defaulting Stockholder by the Treasurer of such Company; and the oath of the said Treasurer shall be deemed sufficient proof of the said notice or of such demand, a copy whereof shall be filed in the office of the Clerk of the Court where the trial shall take place.

Amount of calls how recoverable from Shareholders.

Proof.

VII. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion, to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company.

President and Officers how appointed, &c.

VIII. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment, by death, resignation or permanent residence without the County or Counties in which the work is situated, in respect of which such vacancy or vacancies shall occur, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

Vacancies among Directors how filled.

IX. And be it enacted, That it shall be lawful for the President and Directors of such Company, to fix and regulate, from time to time, the tolls or wharfage to be received from all vessels entering such Harbour or lying at such Pier or Wharf, and for loading and unloading all goods, wares or merchandize in such Harbour, as to them shall seem meet; Provided they shall not in any case exceed the amount hereinafter specified; Provided also, that such Tolls, Rates or Dues shall be subject to the approval of the Governor of this Province.

Rates of Toll, how fixed.

Proviso.

Proviso.

X. And be it enacted, That it shall be lawful for any such Company or their Agent, Officers or Servants to detain any goods, wares or merchandize, or any vessel, boat or craft until the legal

Provision for enforcing payment of Tolls.

legal tolls or charges thereon shall be paid, and for charges for repairs of vessels or boats when such charges remain unpaid for the space of thirty days, such Companies, their Agent, Officers or Servants may sell or dispose of such vessel or boat to pay the said charges, and in cases where the charges for wharfage or storage dues on goods, wares or merchandize remain unpaid for the space of one year, such Companies, their Agents, Officers or Servants may sell such goods, wares or merchandize or such part thereof as may be necessary to pay such dues, by public auction, giving ten days' notice of such sale, and returning the overplus if any, to the owner or owners thereof.

Municipalities
may hold
Stock in such
Companies.

XI. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with, and transfer Stock in any such Company, and from time to time to direct the Mayor, Reeve, Warden or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such Stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such Stock and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other Chief Officer shall, whether otherwise qualified or not, be deemed a Stockholder in the said Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality by their By-laws or otherwise, but voting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for or to pay all instalments upon the Stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

Votes upon
such Stock.

Payment of
calls on the
same.

Company
may sell their
works to Mu-
nicipality,
which may
purchase the
same.

XII. And be it enacted, That it shall be lawful for any Company to be constituted under the authority of this Act, whenever they shall see fit, to sell to any Municipal authority representing the interest of the locality in which the work shall be situate, and for such Municipal authority to purchase the Stock of such Company at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised; Provided always, that it shall be lawful for any Municipality making or desirous of making, any such purchase of any such work, to borrow money or raise the means of paying therefor by By-law to be passed

Proviso:
Money may
be raised
under 16 V.
c. 22.

under

under the provisions of the Act passed in the present Session, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.*

XIII. And be it enacted, That it shall be the duty of the Directors of every Company incorporated under this Act, to report annually, at some time in the month of January in each year, to the Municipality within which such work shall be situated, under the oath of the Treasurer of such Company, the state and nature of their work, the amount of all money expended, the amount of their Capital Stock, and how much paid in, the amount of dividends paid and the amount expended for repairs, and the amount of debts due by such Company; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open for the inspection of any person for that purpose appointed by the Municipality aforesaid.

Company to render accounts to Municipality;

To keep regular Books, &c.

XIV. And be it enacted, That the Directors of any such Company shall have power to increase the Capital Stock of such Company, when they shall find the Stock already subscribed insufficient to finish the contemplated Work.

Increase of capital provided for.

XV. And be it enacted, That it shall be lawful for any Company formed under the authority of this Act, to borrow any sum of money on the security of such work, not exceeding one half the value thereof.

Company may borrow money.

XVI. And be it enacted, That so soon as any such Pier, Wharf or Harbour shall be so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, such Company shall have power and authority to ask for, demand and receive, recover and take as toll or wharfage to and for their own use and benefit, on all goods, wares and merchandize shipped on board or landed out of any vessel, boat or other craft from or upon any such Pier or Wharf within the bounds of every such Harbour, not exceeding the following, that is to say :

Rates of Tolls or wharfage limited.

	£	s.	d.
Pot or Pearl Ashes	0	0	4
Pork, Whiskey, Beef, Salt, Lard or Butter, “	0	0	3
Flour.....	0	0	2
Lard or Butter..... per firkin or keg	0	0	1
Grain of all kinds..... per bushel	0	0	1
Horned Cattle or Horses..... each	0	0	4
Calves, Sheep or Swine.....	0	0	1
Merchandize..... per ton	0	3	0
Sawed Lumber, per 1,000 feet board measure.	0	1	3
Square or round Timber.. per 100 cubic feet.	0	0	9
Saw-logs	0	0	1½
Pipe Staves..... per M.,	0	2	0

West

	£	s.	d.
West India Pipe Staves..... per M.,	0	0	6
Unenumerated Articles..... per ton	0	2	0
Boats of 12 tons or under.....each	0	1	0
“ over 12 tons and not over 50.....	0	2	0
“ over 50 tons..... “	0	3	0

Municipality may purchase Stock of Company at its current value. XVII. And be it enacted, That after twenty-one years from the time of completing any such work as aforesaid, so that tolls are collected thereon, it shall and may be lawful for any Municipal authority representing the interests of the locality in which the work shall be situate, to purchase the Stock of such Company at the current value thereof at the time of purchase, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

This Act may be amended by the Legislature. XVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alterations of any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate or property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any right, public or private, that may be affected by any of the powers given to any such corporation.

SCHEDULE.

Be it remembered, that on this _____ day of _____, in the year of our Lord one thousand eight hundred and _____, We, the undersigned Stockholders, met at _____, in the County of _____, in the Province of Canada, and resolved to form ourselves into a Company, to be called (*insert the name intended to be taken by the Company.*) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act, &c., (insert the title of this Act.)* for the purpose of constructing a Pier (*or Piers,*) Wharf (*or Wharves,*) and making (*or dredging*) a Harbour (*or constructing a Dry Dock, at (name of the place.)*) And we do hereby declare that the capital Stock of the said Company shall be _____ pounds, to be divided into _____ Shares, at the price or sum of Five Pounds each. And we, the undersigned Stockholders, do hereby agree to take and accept the number of Shares set by us opposite to our respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules and Regulations, Resolutions and By-laws of the said Company to be made or passed in that behalf; and we do hereby nominate
(*the*

(the names to be here inserted,) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

C A P. C X X V .

An Act to amend an Ordinance passed in the second year of Her Majesty's Reign, intituled, *An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Churchyards.*

[Assented to 23rd May, 1853.]

WHEREAS the great extent of territory of the Districts of Lower Canada renders the proceedings necessary for the erection of Parishes and the building and repairing of Churches both difficult and expensive, and it is expedient to amend the Ordinance passed in the second year of Her Majesty's Reign relating thereto, chaptered twenty-nine, and intituled, *An Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage Houses and Churchyards,* in order to afford the requisite facilities : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That for the better attainment of the object of the said Ordinance, it shall be lawful for the Governor or person administering the Government, by Commission under the Great Seal of the Province, to commission, appoint and constitute, in the name of Her Majesty, in each of the Roman Catholic Dioceses canonically acknowledged and erected in this Province by the

Preamble.
Ord. of L. C. 2. V. c. 29.
Five Commissioners may be appointed in each Roman Catholic Diocese.

Ecclesiastical

Proviso.

Ecclesiastical Authorities, five persons duly qualified and residing in the said Dioceses, to be Commissioners for the purposes of the Ordinance aforesaid and of the laws now in force; Provided always, that the provisions of this Act shall not apply to the District of Kamouraska, wherein the law hereby amended shall continue to have effect.

Powers of certain Bishops under the said ordinance vested in the Bishop of each R. C. Diocese.

II. And be it enacted, That all the powers, rights and duties vested in and devolving upon the Roman Catholic Bishop of the Diocese of Quebec or of Montreal, by virtue of the said Ordinance and of the laws now in force, shall be exercised and performed by the Roman Catholic Bishop of each Diocese canonically erected and acknowledged by Ecclesiastical Authority, and the petitions and requests of the interested parties shall be presented to the Roman Catholic Bishop of the Diocese, or in case of his absence or of a vacancy in the Episcopal See, to the person administering the Diocese wherein the erection, dismembering, division or union of Parishes is to take place, or in which a Church, Sacristy, Parsonage House or Church-yard and dependencies, is or are to be erected or repaired.

Cases to be governed by said ordinance and existing laws.

III. And be it enacted, That all cases respecting either the erection or division of Parishes, or the building and repairing of Churches and Parsonage Houses and Church-yards, shall be proceeded with and adjudged upon by the Roman Catholic Bishop or person administering the Diocese in which it shall be necessary to act, and by the Commissioners appointed for the said Diocese, in the manner now provided by the said Ordinance and the laws now in force.

Present Commissioners to finish pending cases.

IV. And be it enacted, That the Commissioners at present appointed shall be empowered to continue proceedings instituted before them up to final judgment.

Bailiffs of Superior Court to act in such cases.

V. And be it enacted, That the Bailiffs of the Superior Court shall be for all the purposes of the said Ordinance, officers duly qualified to act (*exploiter*) as well for the Ecclesiastical as for the Civil Authorities, and as well for the publication of Notices as for any other purpose.

Commissioners to have power to swear witnesses, &c.

VI. And be it enacted, That the Commissioners appointed under the authority of the said Ordinance, shall collectively or severally, have power to swear any witnesses who shall be produced before them, or any *expert* who may be appointed in the course of any proceedings which shall be had before such Commissioners.

CAP. CXXVI.

An Act to amend certain Acts for the relief of Religious Societies.

[Assented to 23rd May, 1853.]

WHEREAS it is expedient further to extend the time for Preamble.
the registry of deeds heretofore executed under the provisions of the Act of the Parliament of Upper Canada, passed in the ninth year of the reign of King George the Fourth, intituled, *An Act for the relief of the Religious Societies therein mentioned*, and by the Act of the Province of Canada, passed in the eighth year of Her Majesty's reign, and intituled, *An Act to extend the provisions of two certain Acts of the Parliament of the Province of Upper Canada, to other denominations of Christians than those therein enumerated*, and the Act of the said Province, passed in the twelfth year of Her Majesty's reign, intituled, *An Act to amend certain Acts for the relief of Religious Societies*, but which the Trustees neglected to register: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all deeds heretofore executed for any of the uses, interests or purposes of either of the said Acts, shall be as valid and effectual, if the same be registered within twelve months after the passing of this Act, as if they had been registered within the time limited by either of the before recited Acts, except in so far as they may be affected by the prior registration of other deeds or instruments relating to the same lands: Provided always, and be it enacted, that in all cases where any person claiming to hold or be entitled to any real estate or property included in any such deed, on account of the omission to register the same in due time, shall in virtue of such claim have taken possession of such real estate before the passing of this Act and have made improvements thereon, and also in all cases where the person claiming to hold or to be entitled to such real property on account of such omission as aforesaid, shall have actually sold or departed with, or shall have actually contracted to sell or depart with such real estate before the passing of this Act, no person being at that time in adverse possession of the same, the provisions of this Act shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

Act of U. C.
9 G. 4, c. 2.
8 V. c. 15.

12. V. c. 91.

Deeds executed under the said Acts to be valid if registered within a certain time.

Proviso: as to persons who have taken possession in consequence of omission to register such Deeds.

CAP. CXXVII.

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS the present supply of water for the City of Montreal, and the mode adopted for supplying the same, have been found to be insufficient; And whereas it is necessary greatly to increase that supply; And whereas the Mayor, Aldermen and Citizens of the said City of Montreal by their Petition have prayed that powers be granted them for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every the powers, privileges and authority of the Corporation of the said City of Montreal under the Act of the Parliament of this Province passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, shall, in so far as the same apply to the construction and extension of Water Works in the City of Montreal and the parts adjacent thereto, be and belong to the said Corporation for the erection and construction of the Water Works constructed or erected, or intended so to be, under this Act; and all and every the clauses of the said Act shall be held to be a portion of this Act, in every particular thereof not inconsistent with the provisions hereof.

Provisions of
7 V. c. 44,
extended.

Corporation
empowered to
borrow
£150,000 :
and issue De-
bentures.

II. And be it enacted, That for the purpose of establishing the said Water Works as aforesaid, it shall and may be lawful for the said Corporation to borrow a sum not exceeding One Hundred and Fifty Thousand Pounds sterling money of Great Britain, before or after the completion of the said Water Works, and to issue under the hand of the Mayor and the seal of the said Corporation, Debentures or Corporation Bonds, to the said amount of One Hundred and Fifty Thousand Pounds sterling, aforesaid, payable on or before the first day of November, in the year of our Lord, one thousand eight hundred and seventy-eight, and bearing interest, payable semi-annually, on the first days of November and May in each and every year, and at a rate not exceeding six per centum per annum; and all such Debentures may be in any form not inconsistent with this Act, and may have

have Coupons thereunto annexed for the half yearly interest thereon, which Coupons being signed by the Mayor or Treasurer of the 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 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; and all the provisions of this Section shall apply as well to the Debentures heretofore issued as to those to be issued after the passing of this Act; and all such Debentures, and as well the interest as the principal thereof, are and shall be secured on the General Funds of the said Corporation, as well as by the special privilege on the Water Works mentioned in the fifteenth Section of the Act above cited, which said privileges shall nevertheless only rank in order next after the privilege secured to the holders of Bonds issued under the provisions of the said Act, passed in the seventh year of Her Majesty's Reign, or of any Act or provision of law in amendment thereof.

Provisions to apply to Debentures already issued.

III. And be it enacted, That any sums which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid may be made payable either in this Province or elsewhere, and either in the Currency of Canada, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Debentures may be payable either within or without the Province, &c.

IV. And be it enacted, That the said Water Works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all each and every of the holders of the Debentures in the last previous Section mentioned shall have a concurrent pledge, mortgage, hypothec or privilege on the said Water Works and property appertaining thereto for securing the payment of the said Debentures and the interest thereon.

Water Works pledged for the loan contracted under this Act.

V. And be it enacted, That the said Corporation shall have power to sell, alienate, lease, and convey all or any parts of the existing Water Works and property appurtenant thereto or connected therewith, and to let and lease for life or for years, or for any number of years, any water privileges or ground therefor, belonging or appertaining to the said Corporation or which may

Corporation may sell existing Water Works.

may be acquired by the said Corporation for the purposes of the said Water Works, upon such terms and conditions as to the said Corporation may appear just and expedient.

How compensation for property taken &c, shall be fixed in case of non-agreement.

14 & 15 V. c. 128.

Mode of proceeding by appraisers.

Corporation may extend their Works thirty miles from the City.

Bridges to be built by the

VI. And be it enacted, That for and notwithstanding any thing to the contrary contained in the fifth or any other section of the said Act passed in the seventh year of Her Majesty's Reign, and incorporated with this Act as aforesaid, the price or compensation to be paid by the said Corporation for or in respect of any real property to be taken or entered into by them in pursuance of the said Act or of this Act, not being within the limits of the said City, shall be ascertained, fixed and determined not by a jury, as provided by the sixty-eighth section of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled : *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, but by appraisers to be indifferently chosen, in manner following, to wit, one by the said Corporation, another by the said person or party, and a third or umpire, only in case of difference of opinion between them, by the said two others; and in case of the person or party neglecting to choose and appoint an appraiser within four days after notice in writing to that effect served upon him by or on behalf of the said Corporation, or in case of the appraisers chosen and appointed not agreeing upon the nomination of such third or umpire, an appraiser for such party or such third shall be appointed by any of the Judges of the Superior Court residing at Montreal; and the said appraisers and third or umpire shall be sworn before such Judge before their operation, which shall be conducted in the manner provided by the law of Lower Canada for proceedings by *experts*; and they shall hear any witnesses who may be brought before them in relation to the matter of the said appraisement, the said witnesses first sworn before a Judge or a Commissioner for taking affidavits, or before any one of the said appraisers; and the decision of the said two appraisers if they shall agree, or of any one of the said appraisers and the umpire shall be conclusive, notwithstanding any want or defect of form in their proceedings.

VII. And be it enacted, That the said Corporation shall have power to extend all or any of their works for the said Water Works, to a distance not more than thirty miles from the limits of the City of Montreal; and all and every the provisions of law under the said Act in the first section of this Act mentioned, shall apply to the said extension, save and except as is herein and hereby expressly excepted.

VIII. And be it enacted, That if the said Corporation shall conduct the water for the supply of the said City and parts adjacent

adjacent thereto, under this Act, by or through a Canal, the said Corporation shall have the power to lay out a road on either or both sides of the said Canal, and upon the land by them acquired for the purposes thereof, of such width as the said Corporation shall deem expedient for public use or for the agricultural purposes of the proprietors through whose lands the said Canal shall pass; and the Corporation shall, at their own expense, construct and maintain a good and sufficient farm bridge with a hand rail on each side thereof across the said Canal, opposite, or as nearly so as possible, to the centre of the width of each farm divided in its length by the said Canal, unless it shall be otherwise agreed upon in any case between them and the proprietor of any such farm.

Corporation
in certain
cases.

IX. And be it enacted, That it shall be lawful for the said Corporation to purchase and acquire, take and hold with the consent of the proprietor or other person having the right to sell or dispose of any real or immovable property intersected or divided by the line of the said Canal the rear portions of such property separated by the said Canal from the residue thereof, as shall not be necessary for the purposes of the said Water Works; and it shall be lawful for the said Corporation thereafter to sell the same for the benefit of the said Water Works in the manner hereinafter mentioned.

Corporation
may purchase
certain pro-
perty with the
consent of the
owners.

X. And be it enacted, That the said Corporation shall construct and maintain, at their own expense, good and sufficient fences and ditches on each side of the land acquired by them for the purposes of the said Canal, and along the lines of division between the same and the properties on either side thereof.

Corporation to
make fences.

XI. And be it enacted, That it shall be lawful for the said Corporation, and they are hereby authorized, to dredge, widen, deepen, and otherwise improve the little River, Brook or Stream known as the River St. Pierre from the place where it may be reached, crossed or intersected by the said Canal to its mouth, in such way and to such extent as may be necessary to adapt it to the reception and discharge of the waste or surplus water or drainage and leakage from the said Canal or to make a new tail-race or discharge apart from the said little river; and for any such purpose, as well as for the purpose of making all such and so many catchwater and off take drains as may be found necessary in connection with the said Canal, or for the purpose of diverting the drainage thereof or therefrom in other directions, by themselves, their deputies, agents, workmen and servants, at any time to enter into and upon and pass and repass over, across and along any lands and premises within the said distance of thirty miles from the said City, doing as little damage as possible and paying to the owner or other occupier thereof, or person interested therein, such compensation as may be agreed upon or as may be awarded in that behalf by appraisers chosen and appointed

Corporation
may dredge the
little River St.
Pierre, &c.,
and provide
for the carry-
ing off of sur-
plus water.

appointed for the purpose of ascertaining, fixing and determining the same in the manner hereinbefore provided.

In what manner only the Corporation shall sell any real property under this Act.

XII. And be it enacted, That it shall not be lawful for the said Corporation to sell or lease any real or immoveable property under this Act otherwise than by public auction, to be held at some certain time and place within the said City, of which at least fifteen days' public notice shall be given, by advertisement in at least one newspaper published in the said City in the English language, and in at least one other newspaper published in the said City in the French language, which said advertisement shall be published at least six times in each of the said newspapers during the said period of fifteen days.

Public Act.

XIII. And be it enacted, That this Act shall be held to be a Public Act.

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

An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS the Corporation of the City of Montreal have by their petition prayed that divers alterations should be made in the provisions of the Acts incorporating the said City, and it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the delay for the production and deposit by persons qualified to vote for the election of Mayor and Councillors for the said City, of their certificates of qualification to vote, shall be between the hours of Ten in the forenoon and Four in the afternoon of the last six judicial days in the month of February of each year.

Delay for deposit of certificates of qualification.

Dpty. Mayor to be elected.

II. And be it enacted, That it shall be the duty of the Council of the said City, and they are hereby empowered, at each and every quarterly meeting of the said City Council, to elect from among themselves a Member to act as Mayor in the event of the absence or sickness of the Mayor of the said City, or of any vacancy in the office of Mayor of the said City, and such Member so elected shall, during such absence or sickness, or vacancy, have and exercise, until the ensuing Quarterly Meeting, all the power, authority and rights, vested by law in the Mayor of the said City.

III.

III. And whereas in and by the seventy-seventh section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal,* it is provided that a privilege shall be granted to secure five years' assessment, and doubts exist as to the nature and extent of the said privilege as regards third persons having mortgages or other privileged claims upon the real property affected thereby: Be it declared and enacted, and it is hereby declared and enacted by the authority aforesaid, That the privilege of the said Corporation was not intended to have and shall have no priority or preference over all or any mortgage or privileged claims of third parties upon the real property of any person liable for such debts, save and except of the assessment actually due and owing upon or by such real property, but the proceeds of the said real estate sold and realized by justice shall, after payment of such assessment actually due thereon, be distributed among such mortgage or privileged claimants according to their respective legal rights, and the balance, if any, to the said Corporation on account of or for the said debt, and no assessments for which the said Corporation shall have been collocated by any Judgment of distribution of the proceeds of any real property, to the prejudice of any Mortgage or privileged claimant thereon, other than for the assessments upon such real property, shall be held to be paid by the person or persons owing such assessments, but the Mortgage or privileged claimant so prejudiced shall be to all intents and purposes subrogated in the rights of the said Corporation, as to such assessments, and shall have the power to proceed in his or her own name for the recovery of such assessments either by action or opposition to the same extent, and in the same manner that the said Corporation could have done if such Collocation had not taken place.

Recital.
14 & 15 V. c. 128.

Privilege of Corporation for taxes defined, and rights of persons paying the same for others in certain cases.

IV. And be it enacted, That when the said Corporation deposit any price or compensation in the hands of the Prothonotary of the Superior Court under and in virtue of the provisions of the sixty-ninth section of the Act last above cited, or any other Act or Law in that behalf, the said Court shall prescribe the mode of calling before it all parties interested, and make such orders in relation to the same as in its discretion shall seem just.

As to calling claimants on money paid into Court by Corporation

V. And be it enacted, That the Recorder's Court of the said City of Montreal shall have jurisdiction to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred and be due and payable under any of the provisions of the Act passed in the seventh year of Her Majesty's Reign, intituled,

Recorder's Court to have jurisdiction as to fines under 7 V. c. 44.

intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works, or of any Act amending the same.*

Inconsistent enactments repealed.

VI. And be it enacted, That all and every the provisions of any law in force in respect of the Incorporation of the said City, inconsistent with the provisions of this Act, shall be and are hereby repealed from and after the passing of this Act.

C A P . C X X I X .

An Act to enable the Corporation of the Mayor and Councillors of the City of Quebec, to borrow an additional sum for the construction of the Water Works.

[Assented to 23rd May, 1853.]

Preamble.

9 V. c. 113.

13 & 14 V. c. 100.

Corporation empowered to borrow £50,000 more.

Debentures to be issued, &c.

WHEREAS the Corporation of the Mayor and Councillors of the City of Quebec have by their Petition represented that it is necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of Her Reign, and intituled, *An Act for supplying the City of Quebec and parts adjacent thereto with water*, and the Act amending the same, passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with water*, and have prayed for authority to enable them to borrow an additional sum of Fifty Thousand Pounds current money of this Province, and for authority to increase the rate or assessment to be levied under and by virtue of said Acts to the uniform rate of One Shilling and Six Pence currency, upon the annual assessed value of all property within the said City; And whereas it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Corporation to borrow an additional sum of money not exceeding Fifty Thousand Pounds, making altogether a sum of One Hundred and Seventy-five Thousand Pounds current money of this Province, for the purpose of establishing the said Water Works, and to issue Debentures or Corporation Bonds which with those already issued for the said purpose shall not exceed that amount, under the Hand of the Mayor and the Seal of the said Corporation, payable on the first day of November, in the year of our Lord one thousand eight

eight hundred and seventy, unless the said Corporation shall see fit to redeem the same at an earlier period, with the consent of the holders thereof; upon which Debentures or Corporation Bonds interest shall be payable semi-annually on the first day of November and May in every year, which interest may amount to and shall not exceed the rate of seven per centum per annum. Provided always, that all and every the provisions in the said Act contained, relating to the issuing of the Debentures or Corporation Bonds therein mentioned, and the moneys to be obtained by means thereof, shall apply equally to the provisions of this Act and the Debentures or Corporation Bonds herein mentioned, and the moneys to be obtained by means thereof, except so far as altered by this Act. Proviso.

II. And it shall and may be lawful for the said Corporation, when and so soon as they are prepared to supply the said City or any parts thereof with water, to specify and declare by a By-law, that the proprietors or occupiers of houses, stores, and similar buildings in the said City, or in such parts thereof as they are ready to supply as aforesaid, shall be subject to the annual rate or assessment, payable at the periods to be fixed by the said By-law, to the said Corporation, which rate or assessment shall not, however, be made payable before the water is ready to be supplied to the proprietors or occupiers by the said Corporation, and shall not exceed One Shilling and Six Pence in the Pound on the assessed annual value of the houses occupied, and one half that amount on stores and similar buildings; Provided also, that no other or further charge than the said rate or assessment of One Shilling and Six Pence in the Pound shall be made for the supply of the water as aforesaid, any thing in the said Act or in this Act to the contrary notwithstanding. Corporation may declare all occupants of houses subject to a Water rate.
Rate limited.
Proviso.

III. And be it enacted, That the first and third clauses respectively of the Act last cited in the preamble to this Act, shall be and the same are hereby repealed in so far as the same relate to the rate or assessment to be levied by a By-law of the Corporation, and in so far also as the same relate to the sum of money to be borrowed for the purpose of establishing the said Water Works. Certain clauses of 13 & 14 V. c. 100 repealed.

IV. And be it enacted, That this Act shall be a Public Act. Public Act.

CAP. CXXX.

An Act to declare valid the Articles of Clerkship of Law Students enregistered within a certain period after the delay granted by the Act to incorporate the Bar of Lower Canada, and to amend the said Act.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS by the operation of the Act to incorporate the Bar of Lower Canada, Articles of Clerkship of Law Students are required to be enregistered within a certain period therein provided, and certain of the said Students have omitted to comply with the requirements of the said Act, and it is expedient to provide a remedy for the same; and it is further expedient to set off the Members of the Bar practising in the District of Saint Francis into a separate Bar Section, and to enable the Section of the District of Montreal to extend the advantages of their Library as established by the said Section, and otherwise to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Council of any Section of the Bar of Lower Canada, to admit any Law Student to practice whose Articles of Clerkship were executed, whether before Notaries or *sous seing privé*, prior to the passing of the Act herein first above cited, provided it shall appear to such Council, that such Law Student has served a *bonâ fide* and continued Clerkship in conformity with the provisions of the said cited Act, and that his Articles of Clerkship shall have been duly enregistered six months before his application to practice.

All Students having served *bonâ fide* may be admitted.

As to Students whose Articles were passed before organization of Council of the Bar.

II. And be it enacted, That any Law Student whose Articles of Clerkship shall have been entered into subsequent to the passing of the said Act herein first above cited but prior to the organization of the Council of the Bar in any Section, shall not on account of such want of organization be prejudiced in his right of admission to practice by reason of not having been in such case duly examined and formally admitted to the study of the Law as required by the said cited Act.

As to Students articulated before passing of this Act, and serving in more than one Section.

III. And be it enacted, That any Law Student, under Articles of Clerkship entered into prior to the passing of the Act herein first above cited, who shall have served any part or portion of his Clerkship in any section other than the section in which he shall have commenced his Clerkship, shall not be required

required to produce new Articles of Clerkship or a transfer of his former Articles of Clerkship, before the Council of the Section of the Bar where application is by him made for admission to practice, but it shall and may be lawful for the said Council of any Section of the Bar, to admit any such Law Student to practice, provided it shall appear to such Council that such Law Student has served a *bonâ fide* continuation of such Clerkship and study in such other Section: And provided further that his Articles of Clerkship shall have been enregistered in the Section where application is made for admission to practice, at least six months before such application.

Proviso.

Proviso.

IV. And be it enacted, That from and after the passing of this Act, the Advocates, Barristers, Attornies, Solicitors and Proctors at Law, residing in the District of Saint Francis, shall constitute and form a Section of the Corporation of the Bar of Lower Canada, separate from that of the District of Three-Rivers, and may have, hold and exercise all the rights and powers, and be subject to all the liabilities and provisions, granted, prescribed and enacted by the Act herein first above cited, for the other Sections of the Bar of Lower Canada, as fully in every respect and to all intents and purposes, as if the said Section of the District of Saint Francis had been established and constituted in and by the said Act, and the enactments of the said Act expressly extended thereto.

Advocates, &c., in St. Francis District to form a Section.

V. And be it enacted, That the Council of the said Section shall be composed of a *Batonnier*, a Syndic, a Treasurer and a Secretary, and of five other Members who shall be elected in the manner provided in the said Act for the election of the like officers for the Section of the District of Three-Rivers, and shall hold, use and exercise all the authorities, powers and privileges now held, used and exercised by the Councils of the other Sections, for all and every the purposes of the said Act.

Council how composed in such Section.

VI. And be it enacted, That if any Student at Law duly articulated and otherwise duly qualified, shall in any incorporated University or College in which a Law Faculty is established, have followed a regular and complete course of Law as provided by the Statutes or regulations of the said University or College, and shall have taken a Degree in Law in such University or College, three years of Clerkship shall be sufficient, and such course of study shall and may be followed simultaneously with his time of service with a practising Attorney under his Articles.

Time of Study reduced for persons taking a degree in Law.

VII. And be it enacted, That as regards the Section of the Bar of the District of Montreal only, in lieu of the sum of One Pound currency, mentioned in the thirty-third Section of the said Act, there shall be paid and payable One Pound Ten Shillings currency, the payment whereof may be enforced in the manner and by the means provided by the said Act.

Annual payment increased in Montreal Section.

Rights of persons paying such increased sum.

VIII. And be it enacted, That all Members of the Bar of the said Section of Montreal, paying such subscription of One Pound Ten Shillings annually, shall have the use of the Library and Books of the said Section, subject only to such Rules as the Council of the said Section may enact for the regulation of the said Library and the payment of the said subscription and for enforcing the payment thereof, even by disqualifying to vote at meetings of the Section so long as the same shall be in arrear, and the said Council is hereby authorized to make such Rules and from time to time to change the same as to it may seem fit.

C A P . C X X X I .

An Act to incorporate *The Canadian Steam Navigation Company.*

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS Robert McKean, Donald McLarty and Robert Lamont, of Liverpool, Thomas Ryan, of the City of Montreal, Esquire, J. B. Greenshields, of the same place, Esquire, Luther H. Holton, of the same place, Esquire, Robert Gillespie, junior, Thomas Holdsworth Brooking, Robert Carter, Matthew Hutton Chaytor, Merchants, of London, Patrick Henderson, Merchant, Glasgow, John Carmichael, Merchant, Liverpool, John Laird, iron ship-builder, Liverpool and Birkenhead, and John Holme, timber merchant, Liverpool and Birkenhead, have petitioned the Legislature of this Province, praying that they may be incorporated, with such other persons as shall become associated with them as a Company, under the style of *The Canadian Steam Navigation Company*, for the purposes of the contract entered into with Messrs. McKean, McLarty and Company, among the number of the said Petitioners, and Her Majesty's Government in this Province, for the steam service in the said Contract agreed, and for the purpose of such extensions of the said Contract as are contemplated by the said Petitioners, and for such other services and purposes of steam navigation as to the said Company may seem expedient, and it is proper to grant the prayer of the said Petition as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Robert McKean, Donald McLarty, Robert Lamont, Thomas Ryan, J. B. Greenshields, Luther H. Holton, Robert Gillespie, junior, Thomas Holdsworth Brooking, Robert Carter, Matthew Hutton Chaytor, Patrick Henderson, John Carmichael, John Laird

Certain persons incorporated.

Laird and John Holme, together with such person or persons as shall under the provisions of this Act become proprietors of any share or shares of stock in the Company hereby authorized to be formed, and their several and respective heirs, executors and administrators, curators and assigns, being proprietors of any share or shares of the stock of said Company, are and shall be a Company for the purposes aforesaid, according to the Rules, Orders and Directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate, by the style and title of *The Canadian Steam Navigation Company*, and by that name shall sue and be sued, implead and be impleaded in all Courts, whether of Law or Equity, and shall have perpetual succession, with a Common Seal which may be by them changed or varied at their pleasure.

Corporate name and general powers.

II. And be it enacted, That the said Company shall and may, and they are hereby authorized and empowered, from and after the passing of this Act, to construct, acquire, navigate, charter and maintain Steam or other Vessels for the purposes of the said Company, and to do all things necessary or incident thereto, and to the carriage and conveyance of passengers, goods and merchandize between the Ports of Quebec or Montreal in this Province, and any port or place in Great Britain or elsewhere out of this Province, and to carry on and transact all such business and to do all such matters as may be incidental to the carrying out of the objects of the Company, or necessary or expedient in order to the more effectual or profitable prosecution thereof, and to sell, mortgage or dispose of the stock or property of the Company, or any part thereof, when and as may be deemed expedient, and to enter into contracts and arrangements with other bodies politic and corporate, or any persons whomsoever, for the joint or better execution of the purposes aforesaid, or otherwise, for the benefit of the said Company.

Business to be carried on by the said Company.

III. And be it enacted, That it shall be lawful for the said Company, if they shall think proper, and whenever they shall deem it for their interest, to set apart a sum of money amounting to Two Hundred and Fifty Thousand Pounds sterling, which shall be specially subscribed for the purpose of the insurance hereinafter mentioned, and which shall be invested in good and sufficient securities, subject to the approval of the Governor in Council; and thereupon it shall be lawful for the Company to insure the owners of or parties interested in goods, wares, merchandize and things carried in their vessels or entrusted to them, or in their care and custody, and belonging to other parties, against loss from all or any risks or perils of the sea or navigation, or from all or any risks and perils whatsoever happening while such goods, wares, merchandize or things shall be in the possession, custody or charge of the said Company or their agents or servants, or of any party employed by them to convey, keep or take charge of the same for any purpose,

Company may insure goods entrusted to them on subscribing and setting apart £250,000 for the purpose.

purpose, and to issue policies of insurance accordingly, and to receive such premium or price for so doing as the said Company and the parties insured shall agree upon, and to insert in such policies such terms and conditions as may be agreed upon between them and such parties; and every such policy shall have effect and may be enforced by or against the said Company according to the tenor thereof and to law: Provided always, that the said Company may, if they see fit, cause themselves to be re-insured in whole or in part against any loss to be sustained by them under any such policy, by any other Company or party or parties whatever: And further provided, that no insurance shall be effected with the said Company until and after notice of such approval as aforesaid shall have been published in the *Canada Official Gazette*; and any loss suffered previous to such investment and approval, shall subject the said Company to double the amount thereof in favor of the insured, which shall by him be recovered in any Court of competent jurisdiction.

Proviso:
They may cause themselves to be re-insured.

Company empowered to hold real property in this Province or elsewhere.

IV. And be it enacted, That it shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in this Province as in such other places where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company or in the name of Trustees for the said Company, such lands, wharves, docks, ware-houses, offices, and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose, and to sell, mortgage, or dispose of the same when not wanted for the purposes of the said Company, and others to purchase and acquire in their stead: Provided always, that the yearly value of such lands, wharves, docks, ware-houses, offices, and other buildings within this Province at the time when the said Company shall enter into possession thereof, shall not exceed in the whole the sum of Five Thousand Pounds currency.

Proviso:
value of such property in this Province, limited.

Capital Stock.

V. And be it enacted, That it shall be lawful for the Members of the said Company to raise and contribute among themselves, at such times, and from time to time, and in the proportions hereinafter provided, such a sum of money as they shall find necessary or expedient for the purposes of the Company; Provided such sum shall not be less than Three Hundred Thousand Pounds sterling, and which sum the said Company shall have power to increase to One Million Pounds sterling; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty Pounds sterling each, or of such increased sum as shall be proportionally settled by the By-laws of the said Company, according as the said Capital shall be increased; Provided also, that the said sum specially subscribed for insurance aforesaid, shall not form any part of the said Capital.

Proviso:
amount limited.

Shares.

Proviso.

VI. And be it enacted, That the payment of the said shares of Stock shall be made by calls for each share in manner following, to wit: Four Pounds sterling for each share upon the allocation of the said shares,—a like amount in three months thereafter, and the residue of the said shares in such sums and at such times as the Directors of the said Company may determine, until the entire payment of the said Stock; Provided that a notice of three months shall be given of all subsequent calls after the said first two payments; Provided always, that this Act shall not go into operation, or have effect for the purposes of the said Company, until at least One Hundred and Fifty Thousand Pounds sterling shall have been paid in by the Shareholders, to the satisfaction of the Governor in Council, who shall thereupon, by Proclamation to be published in the usual manner, notify the same, and give operation to this Act.

Calls on Capital Stock.

Proviso.
£150,000 to be paid in before Act goes into operation.

VII. And be it enacted, That the business and affairs of the said Company shall be conducted and managed, and its powers exercised by twelve Directors to be annually appointed by the Shareholders, who shall be severally Shareholders to an amount of One Thousand Pounds sterling of the said Stock, and who shall be elected at the Annual Meetings of the Company by the Shareholders then present, or by proxy, as hereinafter provided, and which Board, in the first instance, and until the first General Annual Meeting of the Company as hereinafter provided, shall consist of the said Robert Lamont, Thomas Ryan, J. B. Greenshields, Luther H. Holton, Thomas H. Brooking, Robert Gillespie, junior, Robert Carter, Matthew Hutton Chaytor, Robert Henderson (of the firm of Patrick Henderson and Company,) and John Carmichael.

Board of Directors to be elected.

First Directors named.

VIII. And be it enacted, That the Directors of the said Company shall have full power and authority to make, prescribe, alter, amend, repeal and re-enact all such By-laws, Rules, Regulations and Ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property, estate and effects, and of its affairs and business, but that for such purposes a majority of the whole body of Directors shall be present and assisting, or be represented by proxy as hereinafter provided, and particularly that the said Directors shall have power in manner aforesaid to make, prescribe, alter, amend, repeal or re-enact By-laws, Rules, Regulations and Ordinances touching the following matters:

Directors empowered to make By-laws for regulating the business and affairs of the Company.

Special purposes for which such By-laws may be made.

1. The calling up and payment from time to time, of the Capital of the said Company, and of the increase thereof and of the calls thereof, as hereinbefore provided, and the conversion of the shares thereof into stock.

Calls.

2. The issue of certificates to the respective Shareholders of the said Company of their shares or stock therein, and the registration

Certificates of stock.

registration thereof, and of the addresses of the Shareholders for the purposes of the Company.

- Forfeitures of stock. 3. The forfeiture or sale of shares or stock for non-payment of calls or other liability of the Shareholders: Provided always, that such forfeiture shall not be held to be conclusive against such liable Shareholder until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the payment of the calls in arrear, as the case may be.
- Setting off debts to Company. 4. The set-off of all debts due to the said Company from the Shareholders, against such shares and stock and dividends or payments to which they may be entitled.
- Transfers of Stock. 5. The transfer of shares or stock, and the approval and control by the Directors of such transfer and of the proposed transferees, and as to the remedy against transferees.
- Dividends. 6. The declaration and payment of profits of the said Company, and dividends in respect thereof.
- Sinking Fund. 7. The formation and maintenance of a Sinking or Reserve Fund.
- Officers of Company. 8. The removal and remuneration of the Directors, and of all such managers, agents, officers, clerks or servants of the Company as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties, and also the indemnity of such parties.
- Meetings. 9. The calling of General, Special or other Meetings of the said Company and Directors in this Province or elsewhere, and the *quorum* and business to be transacted thereat respectively, and the number of votes which Shareholders shall have in respect of shares held by them, and the mode of taking votes and regulating Proxies of Directors and Shareholders.
- Deeds, &c. of the Company. 10. The making and entering into deeds, bills, notes, agreements, contracts, charter parties, policies of insurance, and other documents and engagements to bind the Company, and whether under the Seal of the Company or not, and whether by the Directors or their Agents, as may be deemed expedient.
- Loans, &c. 11. The borrowing or advancing of money, for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same.
- Minutes, accounts, &c. 12. The keeping of minutes of the proceedings, and the accounts of the said Company, and making the same conclusive and binding on the Shareholders, and rectifying any errors which may be made therein.

13. The audit of accounts and appointment of Auditors. Auditors.
14. The giving of notices by or to the Company. Notices.
15. The recovery of damages and penalties. Damages.
16. The imposing of penalties against Shareholders, Officers and Servants of the Company, to an amount not exceeding Five Pounds for each offence. Imposing penalties.
17. The dissolution and winding up of the Company. Dissolution.
- IX. And be it enacted, That all such By-laws, Rules, Regulations and Ordinances shall be valid and have effect in the same way as if the same had been contained and enacted in this Act, until the same are altered or repealed by the majority in value of Shareholders voting at an Annual or other Special or General Meeting, to whom power is hereby given so to alter or repeal the same. Authority of such By-laws, &c.
- X. And be it enacted, That a copy of all such By-laws as aforesaid, or of any one or more of them, sealed with the Seal of the Company, shall be evidence in all Courts of Law or Equity of such By-laws or By-law, and that the same were or was duly made, and are or is in force; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, it shall not be necessary to give any evidence to prove the Seal of the Company; and all documents purporting to be sealed with the Seal of the Company shall be taken to have been duly sealed with the Seal of the Company. Proof of such By-laws.
- XI. And be it enacted, That the Directors of the said Company shall from time to time issue to each of the Shareholders respectively, certificates under the common Seal of the Company, of the number of shares to which he is entitled, and he shall then be the legal owner of such shares and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares, and each person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid. Directors to issue certificates of Stock, and take acknowledgment.
- XII. And be it enacted, That in case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment than to forfeit or sell the said shares therefor, it shall and may be lawful for the Company to sue for and recover the same from such Shareholder, with interest thereon, in any action 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 holder of one or more Instalments may be sued for and re covered with interest.
- What it shall suffice to
- more

allege and
prove in any
such suit.

more shares (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount, and to maintain such action it shall be sufficient that the signature of the Defendant to such acknowledgment as hereinbefore mentioned shall be proved, and that the calls in arrear have been made, and a certificate under the Seal of the Company, or signed by any one or more of the Directors, shall be sufficient evidence of the calls having been duly made and being in arrear, and the amount due in respect thereof: Provided that nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any Shareholder for non-payment of Calls or Subscriptions, whether after or before such a judgment for recovery thereof.

Proviso.

Application of
Capital.

XIII. And be it enacted, That the Capital Stock and increase thereof of the said Company is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money for and towards carrying out the objects of this undertaking and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

Company not
bound to see
execution of
trusts.

XIV. And be it enacted, That the Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall from time to time be a discharge to the Company, for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt.

As to Shares
of Sharehold-
ers becoming
bankrupt; or
Shares trans-
mitted other-
wise than by
regular trans-
fer.

XV. And be it enacted, That when any share shall have become transmitted in consequence of the bankruptcy or insolvency of any Shareholder, the assignee of such Shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female Shareholder, the executors or administrators, tutors, curators or husband, as the case may be, of such Shareholder, shall not, except so far as may be otherwise provided by By-laws, be entitled to receive any of the profits of the Company, or to vote in respect of such shares as the holders thereof: but, nevertheless, after the production of such declaration or other evidence of such transmission as may be required in that behalf by any By-law of the Company, such assignees, executors or administrators, tutors, curators, or husband, as the case may be, shall have power to transfer the share or shares so transmitted, in the
same

same manner, and subject to the same regulations, as any other transfer is to be made.

XVI. And be it enacted, That the place of business of the said Company shall be at Quebec or Montreal, as the Directors shall determine, whereof, and of the place in either of the said Cities, as the case may be, where the Office of the Company shall be established, public notice shall be given by advertisement in the *Canada Official Gazette*, and in one or more newspapers published in the said Cities at the time of going into operation of this Act; and all services made at such place, or at any other place in lieu thereof of which like notice shall be given, of any Writ, Process or Proceeding, according to the practice of the Court or Justice issuing the same, or otherwise according to law, shall be held to be good service upon the said Company for all the purposes thereof; any law or usage to the contrary notwithstanding.

Place of business to be at Quebec or Montreal.

XVII. And be it enacted, That on the first Monday in the month of September in the present year, the first Annual Meeting of the Shareholders of the said Company shall be held at Quebec or Montreal, as the case may be, for the election of Directors, in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company, and it shall be lawful for such meeting to be adjourned to any other time and to any other place, whether within this Province or elsewhere.

First Annual Meeting of Shareholders.

XVIII. And be it enacted, That except in so far as it is herein otherwise provided, all transactions, questions and matters to be determined at any General Meeting of the Company, or at any meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or Directors, as the case may be, present and assisting at such meeting, either in person or by proxy, and in case of an equality of votes at any such meeting, the Chairman of such meeting shall have a casting vote.

Majority of votes to decide questions.

XIX. And be it enacted, That the Directors of the said Company may act as Directors in this Province or in the United Kingdom, and shall and may appoint one or more agents in this Province or elsewhere, and for such time and on such terms as to them shall seem expedient, and the Directors may by any By-law be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws, and all things done by any such agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in this Act to the contrary notwithstanding.

Directors to appoint agents with certain powers.

2,500 shares to be reserved for subscription in Canada.

XX. And be it enacted, That of the said Capital Stock, a number not less than two thousand five hundred shares shall be reserved for subscription in this Province during a period of two months from the passing of this Act, and for which application shall and may be made to any or either of the said Directors hereinafter mentioned, to wit: Thomas Ryan, J. B. Greenshields, and Luther H. Holton, or either of them, at Montreal, by whom such application shall be forthwith transmitted to the Office of the said Company, in England, for allocation thereof, to be there dealt with as the other applications for such stock; and after that period no other applications shall be received without the consent of a General Meeting of the Directors.

Defects in election, &c., of Director not to affect his acts as such.

XXI. And be it enacted, That all acts done by any person or persons acting as Director or Directors, shall, notwithstanding there may have been some defect in the appointment of any such persons or person, or that they or any of them were disqualified, be as valid as if every such persons or person had been duly appointed and was qualified to be a Director.

English Rules of Evidence to apply in Lower Canada.

Exception.

Shareholders competent as witnesses.

XXII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, recourse shall be had to the Rules of Evidence laid down by the laws of England as recognized by the Courts in Lower Canada in Commercial cases, except for actions for real estate or incidental thereto in Lower Canada, in which case the laws of Lower Canada shall prevail; and no Shareholder shall be deemed an incompetent witness either for or against the Company unless he be incompetent otherwise than as a Shareholder.

As to writs of *Saisie-Arrêt*, &c., upon the Company.

XXIII. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the President or for the Secretary or the Treasurer thereof, or any agent to be appointed as hereinbefore provided, in any such case, to appear in obedience to the said Writ, to make the declaration by law required according to the exigency of such case, which said declaration or the declaration of the said President, shall be taken and received in all Courts of Justice in Lower Canada as the declaration of the Company.

Execution of contracts, policies, &c., on behalf of the Company.

XXIV. And be it enacted, That every contract, policy, agreement, engagement, or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every Promissory Note made or endorsed, and every Bill of Exchange drawn, accepted or endorsed by such Director or Directors on behalf of the Company, or by any such agent or agents in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary

to have the seal of the Company affixed to any such contract, policy, agreement, engagement, bargain, Promissory Note, or Bill of Exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-laws, nor shall the party entering into, making or doing the same as Director or agent, be thereby subjected individually to any liability whatsoever: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any Promissory Note intended to be circulated as money or as the notes of a Bank.

Seal not required thereto, &c.

Proviso.

XXV. And be it enacted, That if at any time any Municipal or other Corporation, civil or ecclesiastical, body politic, corporate or collegiate, or community in this Province or elsewhere, shall be desirous of taking shares of the Capital Stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do, in like manner, and with the same rights and privileges in respect thereof as private individuals may do under or by virtue of this Act; any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any law or usage to the contrary notwithstanding.

Municipal and other Corporations may take Stock in or lend money to the Company.

XXVI. And be it enacted, That the Shareholders shall not, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond their past contributions to the said Company, and the sums, if any, remaining due to complete the amount of their subscriptions to the Company.

Non-liability of Shareholders.

XXVII. And be it enacted, That the Shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Shares to be personalty.

XXVIII. And be it enacted, That it shall be lawful for the Directors, from time to time, with the consent of three-fifths in value of the Shareholders present in person or by proxy, at any General Meeting of the Company, when notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the Capital of the Company, and in respect whereof the whole money subscribed shall have been paid up, into a general Capital Stock to be divided amongst the Shareholders, according to their respective interests therein.

Power to convert the paid up Shares into Stock, and divide it.

XXIX. And be it enacted, That suits at law and in equity may be prosecuted and maintained between the said Company and any Shareholders thereof, and no Shareholder of the Company not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit.

Suits between Company and Shareholders.

Registry of Shareholders.
Annual returns.

XXX. And be it enacted, That the Company shall keep a Registry of their Shareholders and Transferees, and shall also annually prepare a list of their Shareholders and a statement of their assets and liabilities, and of all liens, charges and incumbrances on the property and stock of the Company, attested on the oath of the Chairman; a copy of which shall be laid before the Governor of this Province within three months after the Annual Meeting of the Company.

Public Act.
Interpretation Act.

XXXI. And be it enacted, That this Act shall be a Public Act, and shall be subject to the provisions contained in the Interpretation Act, which shall be held to form part thereof so far as the same shall apply.

C A P . C X X X I I .

An Act to incorporate *The Quebec Bridge Company*.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS the construction of a Railway Bridge over the River St. Lawrence, at or in the immediate vicinity of the City of Quebec, which should be open on fair terms to the use of all the Railways running to or through the said City, would be of the greatest advantage to the people of this Province, and is essential to the well working and success of the various Railways in progress throughout the length and breadth thereof; And whereas the Honorable Narcisse F. Belleau, the Honorable Henry Black and Ulric J. Tessier, Gustave Joly, Angus McDonald, Michael Scott, George Okill Stuart, Weston Hunt, F. X. Paradis, G. H. Simard and François Evanturel, Esquires, of the said City of Quebec, have petitioned that they may be incorporated, and authorized to construct such Bridge: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Honorable N. F. Belleau, Honorable H. Black and U. J. Tessier, Gustave Joly, A. McDonald, Michael Scott, G. O. Stuart, Weston Hunt, F. X. Paradis, G. H. Simard and F. Evanturel, Esquires, together with such person or persons as shall, under the provisions of this Act, become proprietors of any Share or Shares in the Bridge hereby authorized to be constructed, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any Share or Shares in the said Bridge, shall be a Company according to the Rules, Orders and Directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate, by the style and title of *The Quebec Bridge Company*, and

Certain persons incorporated.

Corporate name and powers.

and the said Company shall be and are hereby authorized and empowered by themselves, their deputies, agents, officers, workmen and servants, to make, construct and complete a Railway Bridge to be called and known as *The Quebec Bridge*, across the River St. Lawrence, from some point at, in or above the City of Quebec, to some point opposite or above the said City on the South Shore of the River St. Lawrence, and to construct on either side of the River St. Lawrence and within the said City, such Branch Railways, wharves, embankments, piers, stations, inclined planes and other works of any kind as may be necessary for the convenient using of the said Bridge, or for connecting it with any Railway coming to or within the said City or its environs on both sides of the River St. Lawrence, or for the safety and protection of the said Bridge and Works; Provided always, that the centre of the said Bridge shall not be less than one hundred and sixty feet above high water, and that the said Bridge shall not impede the navigation of said River St. Lawrence.

Proviso.

II. And be it enacted, That the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said Bridge and the other works hereinbefore or hereinafter authorized, or for the convenient using of the same, or for any other purpose authorized by this Act; Provided always, that the said Company shall give a just and reasonable compensation or indemnity for such lands, lands covered with water, beaches and other property to the proprietors thereof, such compensation or indemnity, in case of disagreement between the said Company and such Proprietors, to be determined by the Superior Court, upon examination and evaluation made by *experts* appointed by the parties respectively, or in default of such appointment, by *experts* appointed by the said Court, in the manner and form prescribed by law; and the said Court is hereby authorized and shall have power to regulate and determine the amount of such compensation or indemnity; Provided always, that no property vested in the Crown shall be taken without the permission of the Governor, and that no indemnity shall be payable for any such property taken with such permission.

Power to take lands, &c.

Compensation how fixed.

Proviso.

III. And be it enacted, That it shall be lawful for the said Company, if they shall think proper, so to construct the said Bridge as to adapt it to the passage of ordinary vehicles, animals and passengers, and to connect it with the main road on either side of the said River, by ordinary roads to be made by the said Company; and it shall be lawful for the said Company to demand and receive tolls upon ordinary vehicles, animals and passengers passing over the said Bridge; and such tolls shall be payable before the vehicles, animals or passengers, in respect or of which they shall be payable, shall be entitled to pass over

Company may construct the Bridge for the passage of ordinary vehicles, and take tolls.

over the said Bridge, such tolls to be from time to time fixed by the Directors of the said Company.

Other Companies may connect their Railways with the Bridge with the consent of the Company constructing it.

IV. And be it enacted, That it shall be lawful for any Railway Company, whose Railway comes to or within the said City of Quebec or its environs, with the consent of the Directors of the Company constructing the said Bridge, to connect such Railway with the said Bridge or with some Branch Railway made under the authority of this Act and leading to the said Bridge, and to cause their engines and carriages to pass with their freight and passengers over and along the said Bridge and Branch Railway or either of them, and to discharge and receive passengers and freight at any station or depot of the Company constructing the said Bridge, and for the said last mentioned Company to allow the Company first mentioned so to do upon such terms and conditions as the Directors of the two Companies shall agree upon, and if the gauge of the Railway of any two or more Companies be different, then the Company constructing the said Bridge, may so arrange the lines of rails thereon, and upon the branch line leading thereto from the Railway of any such other Company, as that the engines and carriages of such other Company may easily pass over the said Bridge, and along the said branch, and into and out of any such station or depot as aforesaid; and the terms and conditions to be so agreed upon, may extend to the payment by the other Company to the Company constructing the Bridge of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers, or the quantity of freight conveyed over the said Bridge, and the services performed or accommodation afforded in respect thereof for such other Company; Provided always, that it shall also be lawful for the Directors of the Company constructing the said Bridge to agree with the Directors of such other Company as aforesaid, that either Company shall perform any other service for the other Company upon such terms and conditions as the Directors of the two Companies shall agree upon; and any agreement made by the Directors of any two Companies under this section, shall be binding upon such Companies during the time for which it shall be made, but it shall not be compulsory on the Directors of any Company to make or renew any agreement under this section.

Companies may make agreements as to services to be performed by one for the other.

Proviso.

Capital Stock.

V. And be it enacted, That the Capital Stock of the said Company constructing the said Bridge shall not exceed the sum of Eight Hundred Thousand Pounds currency, to be divided into thirty-two thousand shares of Twenty-Five Pounds each, which amount shall be raised by the persons and parties above named, or some of them, together with such other persons and corporations as may become subscribers towards such stock, such shares to be deemed personal estate, and to be transferred as such; and the persons hereinbefore named or any of them may open books of subscription for such Shares, and any person who or whose

whose Attorney shall write his name in any such book shall thereby become a Shareholder, and entitled to all the rights of a Shareholder, and be bound to pay to the Company the sum for which he shall have subscribed. Shares to be personal property, &c.

VI. And be it enacted, That within twelve months after the passing of this Act, a General Meeting of the Shareholders shall be held in the City of Quebec, for the purpose of putting this Act into effect, which meeting shall be called by the persons herein named and incorporated, or any six or more of them, ten days' public notice thereof being given, by being published in one French and one English newspaper of the said City, at which said General Meeting the Shareholders present, having paid ten per cent. on their stock subscribed, shall, either in person or by proxy, choose nine Directors, who shall hold office until the first day of February following; Provided always, that the Heads of Municipalities subscribing for stock may vote on such stock at the said first Meeting, or in their absence, such person or persons as may be duly authorized under the seal of the Municipality, and such Municipalities so voting shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders. First General Meeting.
Election of Directors.
Proviso.
Heads of Municipalities subscribing, to vote at such Meeting.

VII. And be it enacted, That on the first day of February, or if it happens to be a holiday, then on the next following day which shall not be a holiday by law, in each year, at Quebec, at the office of the Company, there shall be chosen by the Shareholders nine Directors, and public notice of such Annual Election shall be published one month before the day of the election in the *Canada Gazette*, and in one French and one English newspaper of the said City, and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made, and if a vacancy shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and the said nine Directors shall form the Board of Directors. Annual Election of Directors.
Notice.
Ties.
Vacancies.

VIII. And be it enacted, That five Directors shall form a Quorum. Quorum for the transaction of business.

IX. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder holding stock to the amount of one hundred and fifty pounds, who shall have paid up all calls on such stock. Qualification of Directors.

X. And be it enacted, That it shall and may be lawful for the Directors to call upon the Shareholders for the second and all Instalments on Shares, how payable.

all subsequent instalments upon each share which they or any of them may have subscribed for, payable by such instalments, and at such times and in such proportion as the Directors of the said Company may see fit, so as no such instalment shall exceed ten per cent. and so as the last instalment shall be payable twenty-four months after the commencing of the said Bridge, each instalment being payable at regular periods.

Proportion of votes to Shares.

Proviso.

XI. And be it enacted, That 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 name two weeks prior to the time of voting; Provided that no one Shareholder or Municipality as aforesaid shall have more than five hundred votes, and no Shareholder or Municipality as aforesaid, shall vote at such elections as aforesaid, unless such Shareholder or Municipality shall have paid up all calls on the said stock.

Company may be parties to Promissory Notes, &c., and how.

XII. And be it enacted, That the said Company constructing the Bridge may become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-Five Pounds; and any such Promissory Note made and endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of Directors, shall be binding upon the said Company, and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note; nor shall the President or the Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange be thereby subjected individually to any liability whatever; but nothing herein contained shall authorize the Company to issue Notes payable to bearer or to be used as Bank Notes, or in any way to act as Bankers.

Not to act as Bankers.

Company may raise money by loan.

XIII. And be it enacted, That it shall be lawful for the said Company constructing the said Bridge to raise the said Capital Stock partly by loan, and for that purpose to issue Debentures of the said Company; and it shall be lawful for the Directors of any Railway Company, on behalf thereof, to subscribe for and hold shares of the said Capital Stock of the Company constructing the said Bridge, and to authorize any person or persons to vote upon such stock at meetings of the Shareholders of such last named Company; and it shall also be lawful for the Directors of such other Company to lend money to the Company constructing the said Bridge, or to guarantee the payment of the principal or interest or both of any Debentures to be issued under this Act by such last mentioned Company, and

Other Railway Companies may subscribe or lend money to the Company,

to construct any branch Railway or other work which may be necessary for conveniently connecting the Railway of such other Company with the said Bridge, or for enabling such other Company fully to avail itself of the provisions of this Act, and to increase the Capital Stock of such other Company by such sum as may be necessary to pay any sum which shall become payable by such Company under the provisions of this Act, and such increase may be made either by subscription for new Stock by the then Shareholders of such Company, or by the admission of new Subscribers, or in both ways, or it shall be lawful for the Directors of such Company to raise such sum partly by such additional Stock and partly by loan, and for that purpose to issue Debentures of such Company.

and make
Branch Rail-
way, &c.

XIV. And be it enacted, That the Company authorized to construct the Bridge mentioned in this Act, shall commence the same within three years from the passing of this Act, and complete the same for the passage of Railway carriages and engines within six years from the same time, otherwise the privileges granted to them by this Act shall cease.

Bridge to be
commenced
and completed
within certain
periods.

XV. And be it enacted, That this Act shall be a Public Act.

Public Act.

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

An Act to incorporate *The London and Port Stanley Railway Company.*

[Assented to 23rd May, 1853.]

WHEREAS it is highly desirable that a Railway should be made from some point on the Great Western Railway at or near the Town of London, to Port Stanley, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That M. Anderson, G. W. Boggs, W. D. Hale, G. R. Williams, Robt. Thomson, Wm. H. Higman, J. M. Batt, Boyce Thomson, Lawrence Lawrason, Lionel Ridout, S. S. Pomroy, E. Jones Parke, E. Leonard, Wm. Smith, S. Morrill, Freeman Talbot, Ellis W. Hyman, Thos. C. Dixon, Alexr. Anderson, Thos. Carling, Edwd. Adams, Samuel Peters, John K. Labatt, Wm. Barker, Daniel Harvey, Murdoch McKenzie, Crowell Willson and Cyremus D. Hall, together with such other person or persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway hereby authorized to be made, and their several

Preamble.

Certain persons incorporated.

and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The London and Port Stanley Railway Company*, and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway, to be called *The London and Port Stanley Railway*, from such point on the Great Western Railway at or near the Town of London, as shall be found most convenient and advantageous for the intersection thereof, to Port Stanley on Lake Erie, the said line being first approved by the Governor in Council.

Corporate name and general powers.

Line of Railway.

Gauge.

II. And be it enacted, That the Gauge of the said Railway shall be five feet six inches.

Company may raise the requisite capital.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works ; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the Town of London, and Village of Port Stanley and elsewhere as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking ; and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions ; and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Books of subscription to be opened.

Notice.

Rights and liabilities of subscribers.

Amount of Capital.

Application of Capital.

IV. And be it enacted, That the sum to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of One Hundred and Fifty Thousand Pounds ; and the money to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making

making the plans; surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent or purpose whatever.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of Twenty-five Pounds currency each, and each holder of or subscriber for any share or shares shall have a part of all the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Shares to be
£25 each.

VI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such sum or sums of money as they may require upon each and every share which the Shareholders may subscribe for, payable by such instalments and at such times, and in such proportion as the Directors of the said Company may see fit; Provided that no such instalment shall exceed ten per cent of the Capital Stock so subscribed; And provided also that no second or other instalment shall be called for within three months of the date of the next previous call.

Directors may
call in instal-
ments.

Proviso.
Proviso.

VII. And be it enacted, That the first General Meeting of the subscribers to the said undertaking, shall be held at the Town of London, whenever twelve hundred shares in the Capital Stock of the said Company shall have been *bond fide* subscribed for, and ten per cent paid thereon as hereinafter provided, and at such meeting nine persons, being each a subscriber for at least six shares, who shall have paid ten per cent. thereon, shall be chosen Directors, five of whom shall form a *quorum*, to hold their office until the first Annual Meeting of the Shareholders, and due notice shall be given of the time and place of such first meeting, by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

First General
Meeting, and
election of
Directors.

Notice.

VIII. And be it enacted, That the Annual Meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the said Company, by which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act or with the laws of this Province.

Annual Gen-
eral Meetings.

Proviso.

Certain provisions of Acts relative to the Great Western Railway Company, incorporated with this Act.

IX. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and the Acts of the Parliament of this Province reviving, extending or amending the same, or relating to the Company thereby incorporated, and since called The Great Western Railway Company, which shall be in force at the time of the passing of this Act, (whether passed during the present or any former Session of the Provincial Parliament,) and which shall not be inconsistent with this Act or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Acts which are so incorporated with this Act, shall be intended and included by the expression "this Act," whenever it is used herein.

Words "this Act," interpreted.

Power to borrow money, &c.

X. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working their said Railway, as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

Navigation of Rivers, &c., not to be impeded.

XI. And be it enacted, That in the construction of the said London and Port Stanley Railway, the Directors thereof or their agents shall not by the erection of any bridge or otherwise obstruct or impede the navigation of any river, brook or stream of water, over or alongside of which it may be necessary to construct the said Railway.

Provision for union with Great Western Railway Company.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders, to be called for that purpose,) or a majority thereof, to enter into or make any arrangement with the Directors of the Great Western Railway Company, or any other Railway Company, now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said London and Port Stanley Railway Company, with such other Railway Company, or for the purchase by the one Company of the Railway of the other, as may be by mutual agreement decided upon between such Companies aforesaid.

Great Western Railway Company may unite the said Railway with their's.

XIII. And be it enacted, That the Directors of the Great Western Railway Company shall have and are hereby invested with full power and authority at any time hereafter, to enter into any agreement with the said London and Port Stanley Railway Company, as provided by the next preceding section of

of this Act, and by By-law or By-laws to that effect, to incorporate the Capital Stock of the said London and Port Stanley Railway Company, with the Capital Stock of the said Great Western Railway Company on equal terms with the Capital Stock of the said Great Western Railway Company, and from thenceforth the same shall be one and the same stock, and the said London and Port Stanley Railway shall become part and parcel of the Great Western Railway, as if originally constructed by the said Great Western Railway Company, and subject to all the regulations of the said-Company, in the same manner as other portions of the Line of the said Great Western Railway, and the Capital of the Great Western Railway Company shall be increased accordingly, and from the date of such amalgamation of the said Capital Stock and Line of Railway of the said London and Port Stanley Railway Company, with the said Great Western Railway Company, so much of this Act as may be inconsistent with such amalgamation shall cease and determine, but any provisions thereof not so inconsistent shall remain in force, and shall apply to the Line of Railway hereby authorized, and to the Great Western Railway Company, and the Directors, officers and agents thereof.

XIV. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . C X X X I V .

An Act to incorporate *The Vaudreuil Railway Company*.

[Assented to 23rd May, 1853.]

WHEREAS it is expedient to incorporate a Company to Preamble.
 construct a Railway from some point in the County of Vaudreuil, on the line of the Grand Trunk Railway from Montreal to Toronto, to the nearest practicable point of intersection on the south side of the River Ottawa, with any Railway which may be constructed towards Bytown or Kemptville: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Robert U. Harwood, Donald McMillan, Jean Baptiste Mongenais, M. P., Henri Cartier, Stephen Fournier, A. G. Charlebois, Donald McDonald, J. A. Mathieson, P. F. C. DeLesDerniers, B. W. Shepherd, H. F. Charlebois, François Xavier Desjardins, Flavien V. Desjardins, A. C. Cholet, G. O. Bastien, Archibald McBean, John Duffy, André Seguin, H. Hudon, George Byron Lyon, Martin Casselman, Joseph Bower, James P. Wells and John Bower, or any of Certain persons incorporated.
 them,

them, together with all such persons as shall become Shareholders of any share or shares in the undertaking hereinafter mentioned and authorized to be carried on, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name of *The Vaudreuil Railway Company*.

Corporate name.

Certain clauses of 14 & 15 V. c. 51 incorporated with this Act.

Proviso.

II. And be it enacted, That 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," "Shareholders," "Shares and their transfer," "Municipalities," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Railway," and "General provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the said Clause of the said Railway Clauses Consolidation Act, headed "Plans and Surveys," that is to say, that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depots or other works in any City or Town.

Line of Railway defined.

III. And be it enacted, That the said Company and their agents, servants and workmen, are hereby authorized and empowered to lay out and construct, make and finish a double or single iron Railway, in a line from Vaudreuil aforesaid to Vankleek's Hill, and from thence to the nearest practicable point of intersection with any Railway which may be constructed to Bytown or Kemptville, or to any intermediate place, as the Company may deem most advantageous, or if the said Company should deem it expedient, to construct a junction branch from Vaudreuil, uniting with any other Railway already constructed, or which may hereafter be constructed in the direction of Bytown; and the said Company shall also have power to construct any Branch roads not exceeding ten miles in length, under the conditions hereby established for the said Main line.

Company may build Bridges, &c.

IV. And be it enacted, That the said Company shall have the power to erect and construct such bridges as they may require for the purposes of their said Railway, over any part of any River as they may deem necessary, with the right, if they think proper, to adapt the said bridges to the passage of horses, vehicles and passengers, subject to the clauses, conditions and stipulations of the Railway Clauses Consolidation Act; And in case such bridges be used by the Public as toll bridges, the rates and tolls shall be fixed by the Governor in Council; Provided

Provided always, that the said Company shall not commence the construction of any bridge until they shall have submitted the plans thereof and of all works thereunto relating to the Governor in Council, nor until such plans shall have been approved by him. Proviso.

V. And be it enacted, That if any person or persons shall wilfully, maliciously or to the prejudice of the said Company, break down, damage or destroy any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb or prevent the carrying into execution, or completing, supporting or maintaining the said Railway or works hereinbefore referred to, every such person or persons so offending shall forfeit and pay to the said Company the value of the damages proved by the oath of one or more credible witness or witnesses, such damages, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province having jurisdiction competent to the same, and in case of default of payment, such offender may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted. Penalty for damaging works maliciously.

VI. And be it enacted, That it shall and may be lawful for the said Company with the consent of the Governor in Council to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown, not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the same; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the said Railway, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried: And if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid. Company may take waste lands of the Crown, beaches, &c.

Proviso:
not to interrupt navigation of waters, &c.

Form of Deeds to Company.

VII. And be it enacted, That all Deeds and Conveyances for lands whether in Upper or in Lower Canada, 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 of this Act marked A, and need not be made before a Notary : And for the purpose of a due enregistration of the same, the Registrar of the County of Vaudreuil is hereby required to be furnished by and at the expense of the said Company, with a Book, with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such Book, to enter and register the said Deeds upon production thereof and proof of execution, without any memorial, and to minute such entry on the Deed : And the said Company are to pay the said Registrar for so doing the sum of One Shilling and Three Pence, and no more, which said enregistration shall be held and deemed to be valid in law ; the provisions of any Act for the Enregistration of Deeds now in force in this Province to the contrary notwithstanding.

Registration.

Fee, &c.

Capital Stock.

Shares.

Application of Stock.

Proviso.

VIII. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Two Hundred Thousand Pounds currency, to be divided into eight thousand Shares of Twenty-five Pounds currency each, which amount shall be raised by the persons and Corporations who may become Shareholders in such stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever ; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock of the Company, it shall be lawful for the Municipality of any County, City or Town on the line of the said Railway, to pay out of the general funds of such Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the stock of the said Company, or be allowed to them in payment of stock.

Form of Debentures and their effect.

IX. And be it enacted, That in the borrowing of moneys, by way of loan, the Debentures of the said Company shall and may be in the form contained in the Schedule B annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage and hypothecation upon the said Railway and the lands and property thereof ; and the registration at full length of a Debenture (without the interest coupons thereto attached)

attached) in the said form in the Registry Office for the County of Vaudreuil, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof, in each County or locality through which such Railway may pass or lie, shall perfect the mortgage and hypothec created by such Debenture as regards all parties whatsoever, and the Debenture and mortgage and hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the Debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description; but the description in the said Schedule B shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed; any law or usage to the contrary notwithstanding.

Registration:

Description in Debentures.

X. And be it enacted, That if after the Registration in the Registry Office of the said County of a Debenture of the said Company creating a mortgage and hypothec, such Debenture shall be presented at the said Registry Office with the word "*cancelled*," and the signature of the President, or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the fee of One Shilling and Three Pence in that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the Registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office.

Cancelling Debentures.

Fee to Registrar, &c.

XI. And to facilitate the registration of the Debentures of the said Company and the cancellation thereof, Be it enacted, That the said Company shall at their own expense, deposit in the said Registry Office, wherein such their Debentures are hereby required to be registered, any number of their printed or engraved blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the *coupons* thereto, bound together in a Book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company instead of registering them in the ordinary Registry Books of the Office, receiving for the registration of each such Debenture a fee of One Shilling and Three Pence, and

Registration of Debentures facilitated.

Fees.

and no more; any Ordinance or Law to the contrary notwithstanding.

First Directors appointed. XII. And be it enacted, That the said Honorable Robert U. Harwood, Jean Baptiste Mongenais, Donald McMillan, Stephen Fournier, Henri Cartier, François X. Desjardins, P. F. C. De-LesDerniers, A. G. Charlebois, Archibald McBean and Donald McDonald, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the shares subscribed in such Books, and call a meeting of Subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as by the said Railway Clauses Consolidation Act are conferred upon the Directors elected under the said Act or named by this Act.

Powers.

First General meeting. XIII. And be it enacted, That when and so soon as one fifth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them to call a meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more newspapers published in the City of Montreal, and in the Town of Bytown, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the private Shareholders, present either in person or by proxy, shall elect eight Directors, in the manner hereinafter mentioned, and one Director shall be chosen by each Municipal Corporation being Shareholders to the amount of Five Thousand Pounds currency, which said Director shall be the Mayor or Warden or Reeve, being the Head of such Municipality, or such other person as each such Municipality may by By-law appoint specially for that purpose; the fourth sub-Section of the eighteenth Section of the said Railway Clauses Consolidation Act in this respect being hereby superseded; and which said Directors shall hold office until the first Monday in March following.

Notice.

Election of Directors.

Municipalities.

Annual General Meetings. XIV. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the private Shareholders eight Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of election in the *Canada Gazette*, and also once at least, fifteen days before the election, in one newspaper in each City or Town or County on the line of the Railway, and all elections for such Directors shall be by ballot, and the persons who have the greatest number of votes at any election shall be the Directors, and if it shall

Notice.

Elections of Directors.

shall happen that any two or more shall have an equal number of votes, the private Shareholders shall determine the election by another or other ballots, until a choice is made; and if any vacancy shall at any time happen among the said eight Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said eight Directors, together with the Representatives of the Municipal Corporations subscribing as aforesaid, shall form the Board of Directors.

Fees.

Vacancies.

XV. And be it enacted, That three of the said Directors shall form a *Quorum* for the transaction of business; Provided that the said Directors may employ one of their said number as paid Director.

Quorum.

Proviso.

XVI. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be Shareholders holding each at least six Shares in the Stock of the said Company, who shall have paid up all calls on such Shares.

Qualification of Directors.

XVII. And be it enacted, That the Stock to be subscribed for by Municipal Corporations, shall be represented by the Mayor, Warden or Reeve from time to time being of such Municipal Corporations subscribing to the stock of *The Vaudreuil Railway Company*, or by such persons as shall be appointed as hereinbefore provided by such Municipal Corporations respectively; and such Mayor, Warden or Reeve, or persons deputed as aforesaid, shall be entitled to a number of votes equal to the number of shares held by the Municipal Corporation to the same extent as private Shareholders.

Stock of Municipalities how represented.

XVIII. And be it enacted, That each Shareholder shall be entitled to a number of votes equal to the number of shares which he or they shall have had in his or their name at least two weeks prior to the time of voting; Providing always, that no Municipal Corporation shall vote or be entitled to vote at any election of the eight Directors to be chosen by the private Shareholders: And provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

Votes.

Proviso.

Proviso.

XIX. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent. on the amount of each share, giving at least one month's notice for each call, in such manner as they shall appoint.

Calls how made.

Tolls how
fixed.

XX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council, as is provided by the Railway Clauses Consolidation Act.

Enforcing
payment of
Tolls.

XXI. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such toll or freight be made, and in the meantime such goods shall be at the risk of the owner as provided in the said Railway Clauses Consolidation Act, and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company, after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he shall claim the same, after deduction of the said tolls and freight and of the expenses incident to any such sale.

Company
may be parties to Bills
and Notes,
and how.

XXII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-Five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Proviso.

XXIII. And be it enacted, That the said Company shall have the right to purchase, take, hold and subscribe for Stock in any other Railway Company as they may consider conducive to the interests of the said Company, and the Directors of the said Company may authorize one or more person or persons to vote upon such Stock at any meetings of such other Railway Company.

Company may hold Stock in other Railways.

XXIV. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in said Company, to vote on the same, and be eligible to office in the said Company.

Aliens may vote, &c.

XXV. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company, all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Crown may assume the Railway.

XXVI. And be it enacted, That in case of such assumption as aforesaid, the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent. and ten per cent. additional thereon, after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the said Company; Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and in case of disagreement, such difference shall be referred to an Umpire, to be chosen by such Arbitrators before entering into the consideration of the said difference, and that the award so made by the Arbitrators or the Umpire shall be final; And provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law, in Upper Canada, or by any two Judges of the Superior Court in Lower Canada, on the application of the Government.

Conditions of such assumption by the Crown.

Proviso.

Proviso.

Company
may cross
other Rail-
ways, &c.

XXVII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite their Railway with any other Railway, at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by two Judges of the Superior Court in Lower Canada, or by two Judges of the Superior Courts of Common Law in Upper Canada.

Company
may agree
with other
Railway
Companies
as to services
by one Com-
pany to the
other.

XXVIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or out of it, for leasing the said Railway or any part thereof, or the use thereof, at any time or times, to such other Company, or for leasing or hiring out to such other Company any locomotives, cars, carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, or occasions, the leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders, or other moveable property, or for using either the whole or any part of such other Railroad or of the moveable property of the such other Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

Recital.

Company
may unite
with any
other Rail-
way Com-
pany.

XXIX. And whereas it may conduce to the interests of the said Vaudreuil Railway Company hereafter to unite and form a junction with other Railway Companies either to Montreal, Kemptville or Bytown; Be it enacted, That it shall be lawful for the said Vaudreuil Railway Company at any time hereafter to form such union and junction upon such terms and conditions as may be agreed upon at a general meeting of the Stockholders of the said Company specially convoked for that purpose by a majority of such Stockholders, and thereafter the Companies so united shall form one and the same Company.

The Company
may agree

XXX. And be it enacted, That it shall be lawful for the said Company and the Grand Trunk Railway Company to enter into any

any agreement or agreements for the use by the said Vaudreuil Railway Company of that part of the line of the Grand Trunk Railway, from the point of intersection of the said Vaudreuil Railway with it to the Terminus at Montreal, on such terms and conditions as shall be agreed upon by the Directors of both Companies: or to enter into any other arrangement or arrangements with regard to the performance of any service by the one Company for the other.

with Grand Trunk Railway Company.

XXXI. And be it enacted, That the Gauge of the said Railway shall not be broader or narrower than five feet six inches.

Gauge.

XXXII. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for any duly authorized Officer of the Company in any such case, to appear in obedience to the said Writ to make the declaration in such case by law required, according to the exigency of each case, which said declaration shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company: and in causes where interrogatories, *sur Faits et Articles* or *serment décisoire*, may be served upon the Company, the Directors shall have the power, by a Vote or Resolution entered among the Minutes of the proceedings of any meeting, to authorize any officer of the Company to appear in any cause to answer such interrogatories, and the answers of such officer so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities by law required had been complied with; and the production of a copy of such Resolutions certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

Service of Writs of Attachment, &c.

Answers.

XXXIII. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

Interpretation. Public Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
 (name also the wife if any), do hereby in consideration of
 (here the sum) paid to me by *The Vaudreuil Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto *The Vaudreuil Railway Company*, their successors and assigns for ever, all that certain tract or parcel of land situate (here describe the lands), the same having been selected and laid out by the said Company for the purposes of their Railway. To have and to hold the said lands and premises, together with the appurtenances thereto, to the said *The Vaudreuil Railway Company*, their

I certify that this Debenture was duly registered in the Registry Office for the County of Vaudreuil, in the District of Montreal, on the _____ day of _____ one thousand eight hundred and _____ at _____ of the clock in the _____ noon, in Register _____ page

Registrar.

C A P . C X X X V .

An Act to incorporate the *Cataraqui and Peterborough Railway Company.*

[Assented to 23rd May, 1853.]

WHEREAS certain inhabitants of the City of Kingston Preamble.

have petitioned the Legislature to incorporate a Company to construct a Railway from the Town of Peterborough to some point at or near the City of Kingston, and it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That John Counter, Francis Manning Hill, William Ford the younger, John Richardson Forsyth, Thomas Kirkpatrick, Alexander Campbell, John Mowat, Archibald John Macdonald, John Watkins, David Shaw, John Miller, John Carruthers and Overton Smith Gildersleeve, with all such other persons or Corporations as shall become Shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact and in name, by and under the title of *The Cataraqui and Peterborough Railway Company.*

Certain persons incorporated.

Corporate name.

II. And be it enacted, That 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," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained.

Certain Clauses of 14 & 15 V. c. 51 incorporated with this Act.

III. And be it enacted, That the said Company and their agents or servants shall have full power under this Act, to lay out,

Line of Railway defined.

Proviso.

out, construct, make and finish a double or single Iron Railroad or Way, at their own cost and charges, on and over any part of the Country lying between the Village of Napanee, in the County of Lennox, or such other point on the line of the Grand Trunk Railway, as may be approved of by the Directors of the Grand Trunk Railway Company of Canada, and such point on the line of the Grand Junction Railway as may be approved of by the said Directors, with power to the said Company to intersect the said Grand Trunk and Grand Junction lines at either of the said points: Provided always, that the said Company shall first obtain the sanction and approval of the Governor in Council, to the line selected by them for the location of said Road, and to the plans and specifications thereof, and that the said Company shall construct the said Railway on the line and in the manner approved of by the Governor in Council.

Conveyances to the Company to be in a certain form.

Fee to Registrar.

IV. And be it enacted, That 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 the conveyance will admit, be made in the form given in the Schedule of this Act marked A; and for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to be furnished by and at the expense of the said Company with Books with copies of the form given in the Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such Books to enter and register the said Deeds upon production thereof and proof of execution, without any memorial, and to minute such entry on the Deed. And the said Company are to pay the said Registrars for so doing the sum of Two Shillings and Six Pence, and no more; which said enregistration shall be held and deemed to be valid in law, the provisions of any Act for the enregistration of Deeds, now in force in this Province, to the contrary notwithstanding.

Capital Stock.
£300,000
Shares £20.

Application thereof.

Proviso.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Three Hundred Thousand Pounds sterling, to be divided into fifteen thousand Shares of Twenty Pounds sterling each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever: Provided always, that until the said preliminary expenses connected

connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for any Municipality on the line of the said Road, to pay out of the General Funds of such Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That John Counter, John Alexander Macdonald, Francis Manning Hill, William Ford the younger, John Richardson Forsyth, John Watkins, David Shaw, John Miller, and John Carruthers, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute, with one Director to be appointed by the Governor, the Board of Directors of the said Company, for carrying into effect the object and purposes of this Act.

First Directors named.

One to be named by the Governor.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary measures for opening the Stock Books for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for Stock in the Company, the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; Provided always, that no subscription in such Stock Books shall create the party or parties so subscribing, a partner or partners in the said Company, without and until the authorization thereof by the Directors of the Company for the time being; Provided also, that no such approval or authorization as aforesaid, shall be required to confirm the subscriptions of Municipalities or other Corporate Bodies empowered to take Stock in Railway Companies.

Subscription Books to be opened.

Proviso.

Proviso.

VIII. And be it enacted, That the said Directors shall cause an entry to be made in the Records of their proceedings and in the Shareholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment.

Entry of allotments of Shares.

IX. And be it enacted, That upon such entries being made, the rights and liabilities of such Shareholder or Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Effect of such entry.

X. And be it enacted, That when and so soon as one fifth of the said Capital Stock shall have been subscribed, allotted and authorized, it shall be lawful for the said Directors, or a majority of them, to call a meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more

First General Meeting and Election of Directors.

more newspapers published in the City of Kingston, and in the Town of Peterborough, at which said General Meeting, and at the Annual General Meeting in the following Sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors, in manner as hereinafter mentioned, of whom six Directors shall be chosen by Municipal Corporations being Shareholders, according to the scale of votes hereinafter mentioned, and six by private Shareholders; which said twelve Directors, with the Director appointed by the Governor, shall hold office until the first Monday in June following.

Term of Office.

Annual General Meetings.
Election to be by ballot.

Vacancies how filled, &c.

Quorum of Directors.
Proviso.

Qualification of Directors.

Votes on Stock held by Municipalities.

XI. And be it enacted, That on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders twelve Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of Election, in the *Canada Gazette*, and also, once at least, fifteen days before the Election, in one newspaper in each City or Town or County on the line of Railway: And all elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes, at any election, shall be the 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 votes, until a choice is made; and if any vacancy shall at any time happen among the Directors by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said twelve Directors, and one Director to be appointed annually by the Governor of this Province, shall form the Board of Directors.

XII. And be it enacted, That a majority of the said Directors shall form a *quorum* for the transaction of business; Provided that the said Directors may employ one or more of their said number as paid Director or Directors.

XIII. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding at least ten shares in the Stock of said Company, who shall have paid up all calls on such shares.

XIV. And be it enacted, That the Stock to be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve, from time to time being of such Municipal Corporations subscribing to *The Cataragui and Peterborough Railway Company*, or by such persons as shall be appointed by such Municipal Corporations respectively; and that such Mayor, Warden or Reeve, or person deputed as aforesaid, shall, at the election of Six Directors to be chosen by Municipal Corporations

Corporations as aforesaid, be entitled to vote in respect of the Stock subscribed for by such respective Municipal Corporations in the proportion following, that is to say : one vote for every Fifty shares subscribed for by such Municipality : Provido. Provided always, that on every occasion other than the election of Directors, the Mayor, Warden, Reeve or person representing a Municipality, shall be entitled to the number of votes proportioned to the number of shares held by the Municipal Corporation, to the same extent as private Shareholders.

XV. And be it enacted, That each Shareholder, shall be entitled to a number of votes equal to the number of shares which he or they shall have had in his or their name at least two weeks prior to the time of voting : Proviso. Provided always, that no Municipal Corporation shall vote or be entitled to vote at any election of the six Directors to be chosen by the private Shareholders : Proviso. And provided further, that no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

XVI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for instalments upon each share which they or any of them may hold in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent, giving at least one months' notice for each call, in such manner as they shall appoint. Calls on Stock.

XVII. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on their Railway, subject always to the approval of the Governor in Council, as is provided by The Railway Clauses Consolidation Act ; Proviso. Provided always, that in no case shall the amount charged for toll and charges exceed, for First Class Passengers, two pence currency per mile, and for Second Class Passengers, one penny half penny currency, per mile, and for Third Class Passengers, one penny currency, per mile, and that one train, having therein Third Class covered Passenger Cars, shall be run over the said Road throughout its length each way daily. Tolls how fixed. Limitation of Passenger fares.

XVIII. And be it enacted, That sub-Section three of Section eighteen of The Railway Clauses Consolidation Act, shall not be incorporated with this Act. By-laws for taking Stock need not be published.

XIX. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note, made or endorsed, and any such Bill Company may be parties to Promissory Notes, &c. of

of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subject individually to any liability whatever: Provided always that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank, or transferable except by endorsement in full.

Proviso.

Company may take wild lands, beaches, &c.

Proviso: free use of navigable Rivers not to be impeded.

Consent of Governor in Council required.

XX. And be it enacted, That it shall and may be lawful for the said Company with the consent of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild land of the Crown, not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across which their Railway shall be carried: And if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passing of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company, to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

XXI. And be it enacted, That the gauge of the said Rail- Gage.
way shall be five feet six inches, and neither more nor less.

XXII. And be it enacted, That any Shareholder in the said Aliens may
Company, whether a British subject or alien, or a resident in vote &c.
Canada or elsewhere, shall have equal rights to hold Stock
in the said Company, to vote on the same, and be eligible
to office in the said Company.

XXIII. And be it enacted, That the Provincial Government Government
may at any time after the commencement of the said Railway, may assume
assume the possession and property thereof, and of all the pro- the Railway.
perty which the said Company is empowered to hold and shall
then have, and of all the rights and privileges and advantages
vested in the said Company, all of which shall, after such
assumption, be vested in Her Majesty, on the Government
giving to the Company four months' notice of the intention to
assume the same.

XXIV. And be it enacted, That the Government shall, within
four months after the Company shall render an account in
writing of the amount of money expended by the said Com- Compensa-
pany, and all their then ascertained liabilities, up to the time tion to be
of such assumption, pay to the said Company the whole amount made in case
of the money so expended and of the liabilities so ascertained, of such as-
together with interest at the rate of six per cent., and ten per sumption.
cent. additional thereon, after deducting the amount of any
dividends before then declared, and the said Government shall
also, from time to time, pay and discharge all liabilities of the
Company not ascertained at the time of such assumption, as
the same shall be established against the said Company; Proviso.
Provided always, That in case of a difference between the Govern-
ment and the Company as to the amount so to be paid by the
Government, such difference shall be referred to two Arbitrators,
one to be named by the Government, the other by the Company;
and, in case of disagreement, such difference shall be referred
to an Umpire, to be chosen by the said Arbitrators before entering
into the consideration of the said difference, and that the said
award so made by the Arbitrators or the Umpire shall be final;
And provided also that in case of refusal by the Company to
appoint an Arbitrator on their behalf, the same shall be appoint-
ed by any two of the Judges of either of the Superior Courts of
Common Law for Upper Canada on application of the Govern-
ment.

XXV. And be it enacted, That the said Company shall have
full power and authority to unite with the Grand Trunk Rail- Company
way Company of Canada or to sell and convey to the Com- may unite
pany last mentioned, all the property and rights acquired with or sell
under this Act, according to and under the provisions of an Act to Grand
passed in the present Session of the Parliament of this Pro- Trunk Rail-
vince, intituled: *An Act to empower any Railway Company whose way Com-
Railway* 16 Vict. c. 39.

Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies, and of another Act passed in the said present Session, intituled, An Act to extend the provisions of the Railway Companies Union Act, to Companies whose Railways intersect the Main Trunk Line, or touch places which the said Line also touches.

16 Vict. c. 76.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B., of
(*here name the wife if any,*) do hereby in consideration of
(*here the sum*) paid to me by *The Cataragui and Peterborough Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *The Cataragui and Peterborough Railway Company*, their successors and assigns for ever, all that certain tract or parcel of land, situate (*here describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railway. To have and to hold the said land and premises, together with the hereditaments thereto, to the said *The Cataragui and Peterborough Railway Company*, their successors and assigns for ever, (*here the dower if any,*) and the said wife of the said hereby bars her dower in the said land.

Witness Hand and Seal, this day of
one thousand eight hundred and

A. B.

[L. s.]

Signed, Sealed and delivered
in presence of

CAP. CXXXVI.

An Act to incorporate *The Port Dalhousie and Thorold Railway Company.*

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS the construction of a Railway connecting Port Dalhousie on Lake Ontario and Thorold, with the Great Western Railway, at or near the Welland Canal, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas the Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Matice, James McDonell and John P. Roblin, have prayed to be incorporated with the powers

powers requisite for making and maintaining such Railway: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Mattice, James McDonell, and John P. Roblin, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Port Dalhousie and Thorold Railway Company*.

Certain persons incorporated.

Corporate name.

II. And be it enacted, That 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," shall be incorporated with this Act, and shall be included by the expression, "this Act," whenever used herein.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

III. And be it enacted, That the said Company and their servants or agents, shall have full power under this Act, to lay out, construct, make and finish a double or single iron Railway or Road at their own cost and charges, on and over any part of the Country lying between Port Dalhousie and the Village of Thorold.

Line of Railway.

IV. And be it enacted, That deeds and conveyances under this Act, 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 conveyances will admit, be made in the form given in the Schedule to this Act marked A; and all Registrars are hereby required to enter in their Registry Books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; and the said Company shall pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

Form of conveyances to Company.

Registration.

Fee.

Capital
£75,000.

Shares £25
each.

Application of
capital.

Proviso: pre-
liminary ex-
penses.

First General
Meeting and
Election of
Directors.

Term of
Office.

Annual Ge-
neral Meet-
ings.

Notice.

Ballot.

Fees.

Vacancies.

V. And be it enacted, That the Capital Stock of the Company shall be Seventy-Five Thousand Pounds currency, to be divided into three thousand Shares of Twenty-Five Pounds each, which amount shall be raised by the persons or parties above named or some of them, together with such other persons and Corporations as may become Subscribers towards such Stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever: Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town, Village or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the Town of St. Catherines, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of the said Town, ten days' public notice thereof being given by being published in the newspapers of the said Town of St. Catherines, at which said General Meeting the Shareholders present having paid five per cent. on their Stock subscribed shall, either in person or by proxy, choose five Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors as provided by the Railway Clauses Consolidation Act, shall hold office until the first Annual General Meeting for the election of Directors, and until others are elected in their stead.

VII. And be it enacted, That on the second Monday in June in each year, at the Town of St. Catherines, at the office of the Company, there shall be chosen by the Shareholders five Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of the election in any newspaper published in the Town of St. Catherines; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder

remainder of the year by a majority of the Directors ; and that the said five Directors with the said *ex officio* Directors shall form a Board of Directors.

VIII. And be it enacted, That the number of Directors which shall form a *quorum* for the transaction of business, may be regulated by the By-laws of the Company ; and until such By-law shall be passed, a majority of the Directors shall form such *quorum* : Provided, that the Directors may employ one of their number as paid Director.

Quorum of Directors.

Proviso.

IX. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of Two Hundred and Fifty Pounds, who shall have paid up all calls on such Stock.

Qualification of Directors.

X. And be it enacted, That no call of money from the Shareholders shall exceed ten per cent. on the amount of their shares.

Calls limited.

XI. And be it enacted, That 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 name two weeks prior to the time of voting.

One vote for each share.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose,) to enter into and make any arrangement with the Directors of any Railway Company now or hereafter to be chartered in any part of the Province, for the union, junction and amalgamation of the said Company with such other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company ; and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such, independently of all other increase of Stock authorized by this Act.

Company may amalgamate with other Companies.

Capital united.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway, with the consent of the Directors of such Railway, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor.

Company may intersect, &c. any Railway.

XIV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge or Railway Company to transport passengers and freight across and to and from the Niagara River, and to any point on lake Erie ; and to construct, own, or employ, at the cost and charge of the said

Company may agree with Niagara Railway Bridge Company.

Company,

Company, a steamboat or steamboats for the transportation of passengers and freight from the terminus of their Railway at Port Dalhousie to any point on Lake Ontario.

Company may become parties to Bills, Notes, &c., and how.

XV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Proviso.

Aliens may vote and be elected.

XVI. And be it enacted, That any Shareholder, in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in said Company, to vote on the same, and be eligible to office in the said Company.

Guage.

XVII. And be it enacted, That the Guage of the said Railway shall not be broader or narrower than five feet six inches.

Public Act.

XVIII. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A.

Know all men by these presents that I, _____ of _____
(insert the name of the wife also if she is to release her Dower, or for any other reason to join in the conveyance,) do hereby, in consideration of _____ paid to me *(or as the case may be)* by *The Port Dalhousie and Thorold Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Port Dalhousie and Thorold Railway Company*, their successors and assigns for _____

Doyle, R. Cassels, Thomas H. Cumming and B. W. Shepherd, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Bytown and Pembroke Railway Company*.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

II. And be it enacted, That 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," "Share and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained and shall be included by the expression, "this Act," whenever used herein; subject always to the following modification of the ninth sub-section of the clause of the said "Railway Clauses Consolidation Act," headed "Plans and surveys," that is to say, that lands to the extent of twenty acres, may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depôts, or other works in any City or Town

Exception.

Line of Railway.

III. And be it enacted, That the said Company, and their servants or agents, shall have full power under this Act, to lay out, construct, make and finish a double or single iron Railway or Road at their own cost and charges, on and over any part of the country lying between the Town of Bytown and a point at or near Arnprior or near the mouth of the Madawaska River: Provided always that if the Brockville and Ottawa Railway Company, incorporated by an Act passed during the present Session, shall not within five years from the passing of this Act, construct that section of their Railway lying between Arnprior aforesaid and the Village of Pembroke, in the Township of Pembroke or if at any time the said Company shall, at a General Meeting of the Stockholders thereof, determine not to make the said Section of their Railway, then the Company incorporated by this Act may extend their Railway from the said point at or near Arnprior to the said Village of Pembroke, and may also construct a Branch Railway from Arnprior to such point on the Georgian Bay of Lake Huron as they shall think most advantageous for them, and from thence to Sault Sainte Mar.

Branches.

IV. And be it enacted, That Deeds and Conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may, at the option of the Company and as far as the title to the said lands, or the circumstances of the party making such Conveyances will admit, be made in the form given in the Schedule to this Act marked A ; and all Registrars are hereby required to enter in their Registry Books such Deeds and all other Deeds under this Act for such lands, on the production thereof and proof of execution, without any Memorial, and to minute every such entry on the Deed ; and the said Company are to pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

Form of conveyances to Company.

Registration.

V. And be it enacted, That the Capital Stock of the Company shall be Four Hundred Thousand Pounds currency, to be divided into forty thousand Shares of Ten Pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such other persons and Corporations as may become Subscribers towards such Stock ; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the said Railway ; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever: Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Capital £400,000.

Shares £10.

Application of capital.

Proviso. Preliminary expenses.

VI. And be it enacted, That the said Nicholas Sparkes, Thomas McKay, Richard W. Scott, William Stewart, John Egan, John O'Meara, William Morris, John Porter, John Supple, Alexander Macdonell, Daniel O'Meara, Robert Farley, Edward Griffin, Edward McGillivray and Joseph Aumond, with Alexander Moffat, John L. McDougall, Jason Gould, John MacKinnon, Hamnette Pinhey, Daniel McLachlin, Hamnette Hill, Edward Malloch, John Bower Lewis, the Mayor of Bytown, for the time being, and the Warden of the County of Carleton, for time being, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, and they or a majority of them shall have power to

First Directors appointed.

- open Stock Books and make a call on the shares subscribed in such books, and call a meeting of subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as by the said Railway Clauses Consolidation Act are conferred upon the Directors elected under the said Act, or named by this Act.
- Powers.**
- First General Meeting.** VII. And be it enacted, That when and so soon as one sixth of the said Capital Stock shall have been subscribed, the said Directors, or a majority of them, shall call a meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more newspapers published in the City of Montreal, in the Town of Bytown and the Town of Perth, at which said General Meeting, and at the Annual General Meeting in the following section mentioned, the private Shareholders present, having paid ten per cent. on their Stock subscribed shall, either in person or by proxy, elect eight Directors, in manner and qualified as hereinafter mentioned.
- Election of Directors.**
- Annual General Meeting.** VIII. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders eight Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of election, in the *Canada Gazette*, and also, once at least, fifteen days before the election, in one newspaper in each City or Town or County on the line of Railway, and all elections for such Directors shall be by ballot, and the persons who have the greatest number of votes at any election, shall be the Directors; and if it shall happen that any two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes, until a choice is made; and if any vacancy shall at any time happen among the said eight Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said eight Directors, with the said *ex officio* Directors, shall form the Board of Directors.
- Notice.**
- Ballot.**
- Fees.**
- Vacancies.**
- Quorum of Directors. Paid Directors.** IX. And be it enacted, That a majority of the Directors shall form a *quorum* for the transaction of business; provided that the Directors may employ one or more of their number as paid Director or Directors.
- Qualification of Directors.** X. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of Two Hundred Pounds, who shall have paid up all calls on such Stock.
- Directors may make** XI. And be it enacted, That the Directors of the said Company shall have power, from time to time, to make such calls of

of money from the Proprietors of Shares in the Capital Stock of the said Company, who shall not already have paid the full amount due or payable in respect of their respective Shares as they shall deem necessary, so that no such call shall at any time exceed the sum of One Pound and Five Shillings upon each Share which any person or Corporation shall be possessed of or entitled unto in the said undertaking, nor made payable at a less interval than two months from the previous call, and thirty days' notice at least shall be given of every such call in such manner as the Directors shall appoint.

calls on Stock.

Limitation of calls.

XII. And be it enacted, That the number of votes to which each Shareholder shall be entitled on every occasion when votes of the Shareholders are to be given, shall be in proportion to the number of Shares held by him; and no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting; and any Municipal Corporation whose Warden, Mayor or Town Reeve shall be *ex officio* a Director of the said Company, shall not vote or be entitled to vote in or for the election of other Directors of the Company to be elected by the Shareholders, or to vote at any General Meeting of the Shareholders.

One vote for each Share.

Municipalities not to vote at Election of other Directors.

XIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note, made or endorsed, or any such Bill of Exchange drawn, accepted or endorsed by the President of the Company or Vice President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company: And every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President or the Secretary and Treasurer of the said Company so making, drawing, accepting or endorsing any such Bill of Exchange or Promissory Note be thereby subjected individually to any liability whatever: Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank.

Company may become parties to Bills and Notes, and how.

Proviso.

Company with consent of Governor may take Crown Lands, beaches, &c.

XIV. And be it enacted, That it shall and may be lawful for the said Company, with the consent of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate so much of the wild land of the Crown not theretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes or other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Proviso: navigable rivers not to be obstructed.

Consent of Governor in Council necessary for certain purposes.

Tolls how regulated.

XV. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Road, subject always to the approval of the Governor in Council, as is provided by the "Railway Clauses Consolidation Act": Provided always, that in no case shall the amount charged for toll and charges exceed, for First Class Passengers, Two Pence currency per mile, and for Second Class Passengers, One Penny Half Penny currency, per mile, and for Third Class Passengers, One Penny currency, per mile.

Proviso.

Enforcing payment of Tolls.

XVI. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, as provided in the said "Railway Clauses Consolidation Act," and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods

goods be not of a perishable nature and shall remain unclaimed for a period of twelve months it shall be lawful for such Company, after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he shall claim the same, after deduction of the said tolls and freight and of the expenses incident to any such sale.

XVII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company, and to vote on the same, and shall be eligible to office in the said Company.

Aliens may
vote, &c.

XVIII. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Crown may
assume the
Railway, &c.

XIX. And be it enacted, That in case of such assumption as aforesaid, the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent, and ten per cent additional thereon, after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the said Company; Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and, in case of disagreement, such difference shall be referred to an Umpire, to be chosen by the said Arbitrators before entering into the consideration of the said difference, and that the said award so made by the Arbitrators or the Umpire shall be final; and provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law in Upper Canada on application of the Government.

Conditions of
such assumption
by the
Crown.

Proviso.
Arbitration in
case of difference.

Company may enter into agreements with other Companies respecting services to be rendered by the one to the other, &c.

XX. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any Foreign State for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any locomotives, cars, carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders, or other moveable property, or for using either the whole or any part of the said Railroad or of the moveable property of the said Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any locomotive, car, carriage or tender of any Foreign Railroad Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Railroad between this Province and a Foreign State, shall for all purposes of the laws relative to customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

Cars, &c. of foreign Company coming into the Province.

Company may join with Bytown and Pembroke Railway Company.

XXI. And whereas it may conduce to the interests of the said *Bytown and Pembroke Railway Company* hereafter to unite and form a junction with any other Railway Company—Be it enacted, That it shall be lawful for the said *Bytown and Pembroke Railway Company* at any time hereafter to form such union and junction upon such terms and conditions as may be agreed upon at a General Meeting of the Stockholders of the said Company specially convoked for that purpose, by a majority of such Stockholders, and thereafter the Companies so united shall form one and the same Company.

Interpretation, &c.

XXII. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

SCHEDULE A.

Know all men by these presents, That I, _____ of _____
(insert the name of the wife also, if she is to release her Dower, or for any other reason to join in the conveyance,) do hereby, in consideration _____

consideration of _____ paid to me (or as the case may be) by *The Bytown and Pembroke Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Bytown and Pembroke Railway Company*, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purpose of their Railway, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto to the said *Bytown and Pembroke Railway Company*, their successors and assigns for ever; (*if there be Dower to be released, add,*) and I (*name of wife*) "hereby release my Dower on the premises."

Witness my (or our) hand (or hands) and seal (or seals,) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered _____ in the presence
of _____ A. B. [L. s.]
(*And if the wife join*) C. B. [L. s.]

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

An Act to empower the Municipalities of the Counties of Two Mountains, Terrebonne, Rouville and Missisquoi, to take Stock in any Railroad Companies for the construction of Railways passing through the said Counties respectively, and to issue Bonds to raise funds for the payment of the same.

[Assented to 23rd May, 1853.]

WHEREAS the Municipal Councils of the Counties of Preamble. Two Mountains and Terrebonne in Lower Canada, have, for the purpose of securing the construction of Railroads through the said Counties respectively, severally petitioned the Provincial Parliament for the passing of an Act authorizing and empowering the said Municipalities to take Stock in any Railroad Companies, incorporated for the construction of Railways passing through their respective Counties, to the extent of One Hundred Thousand Pounds currency; And whereas it is expedient to grant the prayer of the said Petitions and to extend the same privilege for a similar purpose to the Counties of Rouville and Missisquoi: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted

The Municipal Council of the said Counties may authorize the Mayor, &c., to subscribe for not exceeding £100,000 each Stock in the said Railway, and raise money to pay for the same.

enacted by the authority of the same, That it shall be lawful for each of the said Councils by By-law to be passed either at one of their Quarterly Sittings or at any meeting by them regularly held, to authorize the Mayor or Chief Officer or any other person whom they may specially appoint for that purpose, to take and subscribe for Shares in the Capital Stock of any Railroad Company or Companies, now or hereafter to be incorporated for the construction of any Railway or Railways running through the said Counties respectively, to an amount not exceeding One Hundred Thousand Pounds currency, for each Municipality, and to authorize the necessary funds for the payment of the said Stock, to be borrowed upon the credit of their Municipality, and to provide for and impose a special rate and assessment over and above any rate and assessment which such Council is now by law authorized to make, upon the rateable property within such Municipality, for such sum and sums of money as may be necessary to meet the interest annually upon any money which they may borrow for the payment of the said Shares in the said Capital Stock, and also to establish a Sinking Fund to provide for the liquidation of the capital of the money which may be so borrowed by their Municipality.

By-law to be submitted to the Municipal Electors for their approval or disapproval before it is passed: and mode of taking the votes thereon.

II. Provided always, and be it enacted, That no By-law shall be passed by either of the said Councils authorizing such subscription as aforesaid, until after it shall have been approved by a majority of the qualified Municipal Electors of the County; and for the purpose of ascertaining whether the majority of the said Electors approve or disapprove such By-law, the Council shall appoint some qualified Municipal Elector in each Parish or Township in the County to take the votes of the Electors as to such approval or disapproval, on a day (not being a Sunday or Statutory holiday) and at an hour and place in each Parish or Township to be appointed by the Council, with full power to such person to appoint a Deputy to act for him if need shall be, and with full power also to him or his Deputy to prolong the taking of the said votes during the next following day, not being a Sunday or Statutory holiday, if need shall be; and the day appointed by the Council shall be sufficiently distant to allow the notice hereinafter mentioned to be given: The Council shall then cause a copy of the proposed By-law or of every material provision thereof, to be published in English in some newspaper printed in the City of Montreal in that language, and appearing not less than three times each week, and in French in some newspaper printed in the said City in that language, appearing as aforesaid, and such copy shall be inserted in each of such papers on every day of the publication thereof during at least two weeks, with a notice at the foot thereof, signed by the Mayor or Clerk of the Municipality, that such By-law will be submitted for the approval or disapproval of the Municipal Electors of the County on the day, and at the hour and places appointed as aforesaid; and a copy of the

By-law

By-law and notice as inserted in each language shall be posted up at the Church door (or if there be no church, then at some public place) in each Parish and Township in the County during two weeks, and shall be read at each such Church door on two consecutive Sundays in such two weeks after Divine Service (if any there be) in the forenoon; and on the day and at the hour appointed by the Council for the purpose, the person appointed to take the votes of the Municipal Electors in each parish or Township, or his Deputy, shall read to the Electors then and there present the copy of the proposed By-law in both languages, and put the question whether they approve or disapprove the same, and shall then take the votes of the Electors who shall appear and wish to vote in the same manner as they are appointed by law to be taken at Elections of Municipal Councillors, each Elector voting "Yes" if he approves the proposed By-law, and "No" if he disapproves the same, and the Poll shall be kept open until six in the evening, and then adjourned until the morning of the next day, not being a Sunday or Statutory holiday, when it shall be continued in like manner until five in the evening, when it shall be finally closed; and every person appointed to take the votes of the Municipal Electors in any place, shall have all the powers vested by law in persons presiding at Elections of Municipal Councillors; Provided that if at any time during the first or second day, one hour shall elapse without a vote being offered, the person presiding shall finally close the Poll; and when the Poll shall be finally closed, the person presiding shall count the votes, and shall certify and return to the Municipal Council the number of votes for the approval and the number of votes for the disapproval of the By-law, together with the Poll List taken by him, and the Council shall ascertain from the said certificates, correcting them by the Poll Lists if necessary, whether the majority of the votes of the duly qualified Municipal Electors voting were given for the approval or for the disapproval of the proposed By-law, and if such majority be for the approval thereof, it shall be presumed that a majority of the whole Municipal Electors approve the By-law, and the Council shall pass it, and it shall have full force and effect, otherwise they shall proceed no further with it; Provided always, that such By-law, if passed, shall in the Preamble thereof contain a recital that all the requirements of this Act have been complied with before the passing thereof, and the correctness of such recital shall not be traversed or called in question thereafter, so as to affect the validity of such By-law, but this shall not affect the responsibility of any person or persons who shall knowingly have concurred in any false recital therein; And provided also, that the Council may, out of any moneys to be raised under this Act, pay a reasonable compensation to the persons employed in taking the votes of the Municipal Electors as aforesaid, and all expenses fairly incurred in carrying this Act into effect.

No such By-law to be passed unless there shall have been an Assessment Roll made for the Municipality within a certain time.

III. And be it enacted, That it shall not be lawful for the Municipal Council of either of the said Counties to adopt any of the proceedings hereinbefore mentioned unless there shall have been made within the then next preceding five years by the Assessors or other proper persons a valuation of the rateable immoveable property of the inhabitants of the Municipality, and such valuation shall be considered as the basis of any special rate or assessment to be levied in the Municipality under the provisions of this Act.

If the By-law be passed, money may be raised by loan, and how.

IV. And be it enacted, That so soon as a By-law shall have been passed by the Council of either of the said Municipalities as mentioned in the foregoing Sections, the Mayor or other person thereby authorized may, on behalf of such Municipality, subscribe for such number of the Shares in the Capital Stock of any such Company as may have been determined upon, and the funds which may be required to pay for the said Capital Stock may be borrowed on the credit of the Municipality either in this Province or elsewhere, and Bonds or Debentures of the Municipality payable to the bearer or to order, either in this Province or elsewhere, and in currency or sterling, signed by the Mayor or other person specially appointed for that purpose, countersigned by the Secretary-Treasurer, and sealed with the Seal of the Municipality, may be issued for the amount of the Shares of the said Capital Stock so to be subscribed for, bearing interest, and may be delivered to the Company or sold to realize funds for the payment of the said Stock ; and the said Bonds or Debentures shall not be granted for less than One Hundred Pounds currency each, and may be in the form A, annexed to this Act, or in any form determined upon by the Council of the Municipality by which they are issued.

Certificate of the Treasurer if his funds are insufficient to meet claims under this Act.

V. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Secretary-Treasurer of either of the said Municipalities, and applicable to the payment of the interest or of the principal of the Debentures issued by such Municipality or any part of the same, shall be insufficient to pay any such interest or principal then due, it shall be the duty of the said Secretary-Treasurer to calculate what rate in the pound upon the assessed annual value of the property liable to assessment in the Municipality, will in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient with the moneys in his hands applicable to the purpose, to pay the sum due for such principal and interest or either, as the case may be, and to certify such rate under his hand to the Council for the information thereof, in the following form, or to the like effect :

Form of such certificate.

“ Gentlemen,—I hereby certify, for the information of the
 “ Council of the Municipality of the County of,
 “ that a rate of _____ in the pound, on the assessed
 “ yearly

“ yearly value of the property liable to assessment in the said
 “ Municipality, is in my opinion (after making a fair allowance
 “ for losses and deficiencies in the collection of such rate,)
 “ required to produce a nett amount equal to that now due for
 “ interest, and principal if any be due, forming part of the loan
 “ contracted in virtue of the Act passed in the sixteenth year
 “ of Her Majesty’s Reign, chapter (*as the case may be,*) and
 “ intituled (*Title of this Act.*)”

And such certificate shall have the like effect as a By-law of the Council of such Municipality lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all Officers of the Municipality and by all others, and the rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other rates lawfully imposed by any By-law of the Council thereof, notwithstanding any Act or provision of law to the contrary, limiting the amount of rates to be imposed in any one year, or as to the time of the year at which rates may be imposed, levied or collected ; and the proceeds of such rate shall be applied, first, to the payment of the principal or interest, or both, as the case may be, for the payment whereof the rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said loan, or if there be no part of the said loan for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Municipality.

Such certificate to have the effect of a By-law for raising the sum required.

VI. And be it enacted, That a special rate and assessment shall, under the authority of every By-law to be passed as aforesaid, be raised, levied and collected annually in the same manner as other rates and assessments which the said Municipalities are now by law authorized to raise, levy and collect, and with the same hypothec, mortgage and priority and recourse for securing and recovering such special rate and assessment ; and the said special rate and assessment shall be raised, levied and collected upon and from all rateable property in the Municipality in which such By-law shall be passed, and shall be in amount sufficient to pay the interest annually of the Bonds or Debentures issued by the Municipality under this Act, and at least two per cent. additional on the entire amount of the Capital of the said Bonds or Debentures in each year, after deduction of all charges and expenses, for the purpose of establishing a Sinking Fund to redeem the Capital of the said Bonds or Debentures, which additional two per cent. or upwards, as the case may be, together with all other moneys that may be specially appropriated for that purpose by the said Council of such Municipality, shall be invested in Provincial Government Debentures, or in the Stock of any Chartered Bank in this Province, or otherwise in any manner that the said Municipalities were by law authorized to invest moneys before the passing of this Act.

Special rate to be raised annually under the said By-law.

Its amount.

Sinking Fund.

Mode of levying under execution interest or principal due and unpaid on Debentures issued under this Act.

VII. And be it enacted, That if at any time any Sheriff or Bailiff shall receive a Writ of Execution, commanding him to levy any sum of money due by either of the said Municipalities for the principal or interest of any Bond or Debenture issued under the authority of this Act, the Plaintiff may require, and the Court whence such execution issues may order it to be levied by rate; and if such order be made, the Sheriff or Bailiff shall cause a copy of such Writ to be served upon the Secretary-Treasurer of such Municipality, and if the money therein mentioned, with all the lawful interest and costs which the said Sheriff or Bailiff is commanded to levy, be not paid within one month from the time of such service, the said Sheriff or Bailiff shall himself calculate what rate in the pound, upon the assessed value of all the rateable property lying or situate within the limits of the Municipality, will, in his opinion, after making fair allowance for the expenses, losses and deficiencies in the collection of such rate, be required to produce the debt, interest and costs which he is commanded to levy, and a sum of ten per centum in addition; and the said Sheriff or Bailiff may command the Council of the Municipality, and all officers whom it may concern, to cause the said rate to be levied and collected, and the proceeds to be paid over to him; and it shall be the duty of the Secretary-Treasurer, and the Assessors, Collectors and all other officers of the Municipality to produce to the said Sheriff or Bailiff, on his demand, all assessment books, papers and documents, having reference to the assessment of the property in the Municipality, and to give him such information as he may require in order to fix the said rate; and all such officers of the Municipality shall be bound to obey the said Sheriff or Bailiff as well in respect of such information as in the levying and collection of said special rate, and for neglecting or refusing such obedience, shall be liable to imprisonment (*contrainte par corps*) to be decreed against them by the Court in which the judgment has been rendered and ought to be levied; and the said Sheriff or Bailiff shall, for the purpose of imposing, levying and collecting the said special rate, have all the powers of the said Municipal Council and of its officers, and may proceed to the sale of lands and immoveable property in the same manner, and take such other proceedings and recourses as they could do for the non-payment of any rate or assessment; and the said Sheriff or Bailiff shall pay to the Plaintiff his debt, interest and costs out of the amount levied, and if there be any surplus, it shall be paid back to the Secretary-Treasurer of the Municipality, but if there be a deficiency, a new levy may be made; and no rate so imposed, nor any levy or collection by such Sheriff or Bailiff, shall be liable to be opposed for inequality or injustice, but any party injured may petition the Council of Municipality for redress out of their other funds.

Duty of Municipal Officers, in such case.

Special powers of Sheriff or Bailiff.

By-law not to be repealed

VIII. And be it enacted, That no such By-law of either of said Municipalities, as is mentioned in the first Section of this

this Act shall be repealed until the said debt and interest shall have been entirely paid, cancelled and discharged, and any proceedings for the repeal of any such By-law until the complete payment of such debt shall have been made, shall be absolutely null and void. until the whole debt is paid.

IX. Provided always, and be it enacted, That nothing in this Act shall be construed to diminish or affect any of the rights or liabilities of either of the said Municipalities under the eighteenth section of the Railway Clauses Consolidation Act, or under the provisions of any Act or Law in force in Lower Canada in relation to the establishment of Municipal authorities therein. Sect. 18 of 14 & 15 V. c. 51, not impaired by this Act.

X. And be it enacted, that this Act shall be a Public Act. Public Act.

SCHEDULE A

REFERRED TO IN THE FOREGOING ACT, SECTION III.

Municipality of the County of the Two Mountains (or Terrebonne, or Rouville, or Missisquoi, as the case may be.)

No.	£	Cy. or Stg.
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This Debenture witnesseth, that the Municipality of the County of the Two Mountains (*or Terrebonne, or Rouville, or Missisquoi*) under the authority of the Provincial Statute passed in and by the Provincial Parliament of Canada, in the sixteenth year of Her Majesty's Reign, intituled, *An Act, &c., (title of this Act,)* have received from (*name*) of (*domicile, profession or occupation,*) the sum of £ (cy.) or (stg.) as a loan, to bear interest from the date hereof at the rate of per centum per annum, payable half yearly on the day of and , at , which sum of £ the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the day of , at , to the said , or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

In testimony whereof I, , Mayor of the said Municipality, being hereunto duly authorized, have hereunto affixed the Common Seal of the Municipality, at , in the said County, on this day of , in the year of Our Lord, one thousand eight hundred and .

Signature of Mayor.

Countersigned by
Secretary-Treasurer.

(Seal.)

CAP. CXXXIX.

An Act to amend an Act authorizing the *Grand River Navigation Company* to raise a certain sum of money by loan.

[Assented to 23rd May, 1853.]

Preamble.

Act 14 & 15
V. c. 151,
cited.

Debentures issued under the said Act may be exchanged for others of more convenient amounts.

Proviso.

WHEREAS under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the Grand River Navigation Company to raise by way of Loan, a certain sum of money, and for other purposes therein mentioned*, the Council of the Town of Brantford did issue to the said Grand River Navigation Company the Debentures of the said Town for different amounts, equal in the aggregate to the sum of Forty Thousand Pounds; And whereas the said Debentures respectively have been issued for sums inconvenient on account of their amount for ready sale, by reason whereof they do not command as high a price in the market as if of smaller amounts; And whereas it is doubtful whether the said Company can surrender any of said Debentures on condition that the said Town of Brantford shall receive the same and issue other Debentures for different amounts, and of different dates of issue and of payment; And whereas the said Company have by their petition prayed relief therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Grand River Navigation Company to surrender and give up to the Town Council of the Town of Brantford any of the Debentures so as aforesaid issued by the Council of the said Town, and that it shall and may be lawful for the said Town Council of Brantford on behalf of the said Town, on such surrender of such Debentures, to issue Bonds or Debentures of the said Town for smaller amounts, equal in the aggregate to the amount of those so surrendered, and payable at a like period from the dates of such new Debentures respectively, and bearing interest, at the rate of six per cent per annum, payable half-yearly, in like manner as those surrendered: Provided always, that the provisions of this Act shall not apply to any Debentures issued under the authority of the above recited Act, and which have been negotiated or sold by the said Grand River Navigation Company.

C A P . C X L .

An Act to vest the Harbor of Port Hope and adjacent premises in Commissioners.

[Assented to 23rd May, 1853.]

WHEREAS the Harbor at Port Hope has never been completed, notwithstanding that the time allowed to the President, Directors and Company of the Port Hope Harbor and Wharf Company for that purpose, has long since expired ;

Preamble.
Recital.

And whereas an Information at the suit of Her present Majesty has been exhibited in the Court of Common Pleas, for Upper Canada, at Toronto, at the instance of the Town Council of Port Hope, against the said President, Directors and Company of the Port Hope Harbor and Wharf Company, for the purpose of having the powers given to the said President, Directors and Company of the Port Hope Harbor and Wharf Company, under and by virtue of an Act of the Parliament of the Province of Upper Canada, passed in the tenth year of the Reign of King George the Fourth, intituled, *An Act to incorporate certain persons therein named under the style and title of the "Port Hope Harbor and Wharf Company,"* declared forfeited for such non-completion, and a verdict has been rendered in favor of Her said Majesty, on such Information ;

Recital.

And whereas by an agreement bearing date the third day of January, one thousand eight hundred and fifty-two, and made between James Madison Andrews, of the Town of Port Hope, in the County of Durham, Esquire, and Henry Howard Meredith, of the same place, Esquire, as well individually in their private capacity, (the said James Madison Andrews and Henry Howard Meredith having been, or assuming to have been, owners of the entire Stock of the said Port Hope Harbor and Wharf Company, and with their respective wives, seized of the lands in said agreement mentioned and described,) as also the former as President, and the latter as Treasurer of the said Port Hope Harbor and Wharf Company, of the first part, and the Town Council of Port Hope aforesaid, of the second part, the said parties of the first part, in their respective capacities aforesaid, did agree with the said Town Council to sell to them, the Harbor, lands, stock and premises thereafter described, (and being the premises belonging and appertaining to, and the entire capital stock of the said Port Hope Harbor and Wharf Company,) for the sum of Eleven Thousand Five Hundred Pounds, and upon the terms in the said agreement contained ;

Recital.

And whereas by a resolution of the said Town Council of Port Hope, at a special sitting thereof, held on the thirty-first day of January aforesaid, it was resolved amongst other things, that "Whereas, in order to raise the amount required to defray the purchase money of the said Harbor and premises adjacent,"

Recital.

" it

Recital.

“ it was necessary that personal security should be given,” and that “ whereas Thomas Gibbs Ridout, Elias P. Smith, Robert Armsrong, Peter Robertson, William M. Smith, Francis Beamish, John Ross and John Shuter Smith, were willing to give such personal security, upon receiving from the said Town Council, a counter security therefor,” the said above named parties should be, and were thereby authorized to take and receive the proper conveyances, (in trust for the sole and only use and benefit of the said Town Council,) and to apply to and obtain from the Legislature of the Province, an Act to vest the said Harbor and premises in themselves and the Mayor of the Town, for the time being, as Commissioners on behalf of the Town, to manage, conduct, control and complete the same, with certain stipulations as to the provisions which it should be sought to obtain in the said Act of Parliament, for the regulation and management of the said Harbor, and the powers of the said Commissioners in relation thereto ;

Recital.

And whereas the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross and John Shuter Smith, in the said resolution named, did, for the purpose of so raising the amount required to defray the purchase money of the said Harbor and premises, give their personal security for the repayment of such purchase money ;

Recital.

And whereas the said Town Council of Port Hope did, by and through the Mayor of the said Town, assign the said contract or agreement to the said Commissioners, as and for such counter security to said Commissioners ;

Recital.

And whereas by certain deeds and conveyances made between the respective parties in pursuance of the said agreement, and the said assignment thereof, bearing date respectively on the twenty-sixth day of February, in the year of Our Lord one thousand eight hundred and fifty-two, the said Harbor and premises, with the appurtenances thereunto belonging, and the lands hereinafter described, and all the corporate rights of the said Company, and all the Capital Stock thereof mentioned and referred to in the said agreement, were expressed and intended to be conveyed to the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross and John Shuter Smith, as such Commissioners as aforesaid, which said lands were in the said deeds or some of them, described as follows, that is to say : “ All and singular that certain parcel or tract of land and premises, situate, lying and being in the said Town of Port Hope, in the County of Durham aforesaid, and being composed of part of the broken front of lot number six, south of the first concession of the Township of Hope, and part of the east part of the broken front of lot number seven, south of the said first concession of the said township of Hope, containing by admeasurement six acres, be the
“ same

" same more or less, which said parcel or tract of land is butted
 " and bounded, or may be otherwise known as follows, that is to
 " say : commencing at the Lake Shore on Lake Ontario, at low
 " water mark on the eastern limit of the allowance for road be-
 " tween lots numbers six and seven, thence, north sixteen de-
 " grees west, along the eastern side of said allowance for road
 " until it intersects the west bank of Smith's Creek, thence
 " following the west bank of said Creek in an upward or northerly
 " direction, in all its various windings, until it again intersects the
 " eastern limit of the allowance for road between lots numbers six
 " and seven, thence, north sixteen degrees west along the eastern
 " side of said allowance for road one chain and fifty links more
 " or less to the north westerly angle of the lands formerly belong-
 " ing to the Port Hope Harbor and Wharf Company, thence,
 " south seventy-four degrees east along the northern bounds of
 " said Harbor lands to the east line of Mill street, thence, south-
 " erly along the east line of Mill Street to a point thirty feet
 " south of the Mill Street Bridge, and seven and a half feet south
 " of the south-west angle of the dwelling house now in the occu-
 " pation of John McCaffrey, to an iron spike driven in the
 " ground, being the northerly bounds of a new street forty feet in
 " width, called Madison Street, thence, easterly at right angles
 " with Mill Street, and along the northerly bounds of Madison
 " Street aforesaid to the west bounds of King Street, thence,
 " southerly along the west bounds of King Street, to the shore of
 " Lake Ontario, thence, westerly along the shore of Lake Ontario
 " in all its several windings at low water mark to the place of
 " beginning, comprising and being all the lands originally cou-
 " veyed by the late John D. Smith, Esquire, to the said Port
 " Hope Harbor and Wharf Company, excepting and reserving
 " thereout all that portion of said lands lying to the east side of
 " Mill Street and to the north of Madison Street aforesaid, and
 " save and except such pieces or parcels of land as are laid out
 " for roads and streets running through the said lands above
 " described and mentioned in the survey of the said Town of
 " Port Hope, in the Registry Books, and excepting also Madison
 " Street, as above described, and any other street which may
 " have been laid out through said lands or any part thereof since
 " such survey and Registry."

Recital.

And whereas in order to carry into effect the said agreement
 and resolution, it is necessary that some Legislative provision
 should be made, and it is desirable that the said Harbor and pre-
 mises, and the said lands above mentioned and described, should
 be vested in the said Commissioners and their successors, to be
 appointed as hereinafter mentioned, as well in order to secure
 them in the repayment of the said purchase money, for which
 they have so given their personal security as aforesaid, according
 to the terms and conditions of the said agreement, resolution and
 conveyances above mentioned, as for the purpose of rendering
 the said Harbor as safe, commodious and convenient as possible,
 for the purposes of the trade of the said Town, and attracting
 thither

Recital.

thither vessels navigating Lake Ontario : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Corporation of *The President, Directors and Company of the Port Hope Harbor and Wharf Company*, created by the said first above mentioned Act, shall be, and the same is hereby dissolved, and the said Act, and the Acts amending it, shall cease from and after the passing of this Act, so far as regards any thing to be done by the said Corporation or the Stockholders thereof, and the assignment made by the President and Directors of the said Corporation, and the said James Madison Andrews and Henry Howard Meredith, to the said Commissioners, under and by virtue of the said indentures, is hereby confirmed and made valid, subject to such rules of succession as are hereinafter declared.

Former corporation dissolved.

Assignment confirmed.

New corporation created of whom to consist.

Board of management.

Quorum.

Harbor and works vested in the new corporation in trust.

II. And be it enacted, That the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross, and John Shuter Smith, and their successors, to be appointed as hereinafter provided, and the Mayor of the said Town of Port Hope, for the time being, shall be a body corporate, by the name and style of "The Commissioners of the Port Hope Harbor," and shall by that name have and may exercise the powers vested in bodies corporate by the interpretation Act, and have a Common Seal, and that the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross, and John Shuter Smith, and the Mayor of the said Town, shall form the first Board for the management of the affairs of the said Corporation, a majority of whom or of the Members of the said Board for the time being shall form a quorum for the transaction of business.

III. And be it enacted, That the said Harbor and the lands attached thereto, and above mentioned and described, and the moles, piers, wharves, buildings, erections and appurtenances, and all other things now erected, or being, or belonging to, or used with or in the said Harbor, and all other moles, piers, wharves, buildings and erections to be hereafter erected, set up, or established in the said Harbor, and all materials which shall be from time to time got or provided for constructing, building, repairing or maintaining the said Harbor, or the erections therein made, or the appurtenances thereto, and all the tolls which the said Commissioners are by this Act authorized to levy, and all the rents, issues, profits, tolls, fees and emoluments derivable or to be derived from the said Harbor and appurtenances, and every thing thereto belonging, shall be, and the same are hereby vested in

in the said Commissioners, and their successors for ever, in trust as aforesaid, and the said Harbor in its present or future state, and with any additions that may be made thereto, shall, and the same is hereby declared to be, within the limits, and to be part of the said Town of Port Hope.

IV. And be it enacted, That the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross, and John Shuter Smith, shall hold Office respectively as Members of the said Board, for a period of five years, from the passing of this Act, and at the expiration of such period, and on their being relieved from personal responsibility in respect of the debt contracted in the purchase of the said Harbor as above mentioned, two of the above named parties, to be determined or appointed, as hereinafter mentioned, shall retire from the said Board, and cease to be Members thereof, their places to be supplied by two persons duly qualified, and eligible to be elected as Town Councillors, to be nominated and appointed by the said Municipality of the said Town, and at the expiration of every year thereafter, two others of the above named parties shall in like manner retire, and their places be supplied by two others duly qualified as aforesaid, to be likewise nominated and appointed by the said Municipality of the said Town, until the whole number of the said above named Commissioners shall in turn have retired from the said Board; and that such persons, so to be nominated by the Municipality of the said Town, shall each hold Office for the period of five years, and at the expiration of every such respective period, other persons, duly qualified as aforesaid, shall in like manner be nominated and appointed in their places; and that at a meeting of the said Board of Commissioners, to be held for that purpose, at least one week previous to each respective time when it shall be necessary for two of the Members of the said Board to retire therefrom, as above mentioned, it shall be determined by lot amongst the then Members of the said Board, which two of such Members shall so retire as aforesaid; and that all vacancies occurring in the said Board, within the first period of five years, by death, resignation, removal or otherwise, shall be filled up by persons to be nominated and appointed by the said Board, and that all vacancies occurring after that period, shall be filled up by the Municipality of the said Town; Provided always, That any retiring Member of the said Board, being otherwise duly qualified, shall be eligible for re-election by the Municipality of the said Town.

Term of office of the Members of the Board of management.

Appointment of new members.

Term of office.

Order of retirement how regulated.

Vacancies.

Proviso.

V. And be it enacted, That so long as the said above named Commissioners or any of them remain personally liable for the said loan or sum of Eleven Thousand Five Hundred Pounds, or any part thereof, on the security by them given in that behalf as aforesaid, the Municipal Council of the said Town of Port Hope shall be and are hereby declared to be indebted to the said Thomas Gibbs Ridout, Elias Peter Smith, Robert Armstrong, Peter Robertson, William Miller Smith, Francis Beamish, John Ross,

Ross, and John Shuter Smith, and the survivor or survivors of them, and the executors and administrators of such survivor, in the same amount for which the said last named parties, or any of them, are or shall or may be or remain liable as aforesaid, and the said last above named parties, or the survivor or survivors of them, or the executors or administrators of such survivor, may sue for and recover the same with costs against the said Municipal Council in an action of debt for money paid in any of Her Majesty's Courts of competent jurisdiction in that part of this Province formerly constituting the Province of Upper Canada.

Board to fix
Tolls: subject
to approval
of Governor
in Council.

VI. And be it enacted, That the said Board of Commissioners shall and may have power, and they are hereby authorized, from time to time, to make By-laws subject to the approval of the Governor in Council, to fix and determine, and to alter, from time to time, as they may see fit, the rate of tolls to be chargeable and paid, on and by all vessels, crafts, rafts and boats entering or touching at the said Harbor, and on all persons who may, from time to time, partake of the benefits and advantages of the same or of the wharves, ship-yard, docks or railways, or of the store-houses or other protections and erections, for the construction, safe-keeping, repairing and refitting, of all vessels, boats, craft or rafts of any description, and on all goods, chattels, wares and merchandize shipped or landed on board or out of any vessel or boat in the said Harbor, or between the eastern boundary of lot number one, and the western boundary of lot number ten in the first and broken front concession of the Township of Hope, in the County of Durham, and to ask, demand, recover, and receive the same to and for the use of the said Board of Commissioners, and in case of neglect or refusal by any person or persons owning or in charge of any such vessel, boat, goods, chattels, wares, or merchandize, to pay the tolls legally collectable thereon, under this Act, or in case of any vessel, boat, goods, chattels, wares or merchandize on which such tolls may be chargeable, lying or remaining in, or adjacent to such Harbor unclaimed, and without the tolls thereon being paid, to seize and detain the vessels, boats, goods, chattels, wares, or merchandize on which such tolls may be due, payable, or chargeable, and if such tolls shall remain unpaid thereon, for the space of twenty days after such seizure, then to sell and dispose of such goods, chattels, wares, merchandize, vessels or boats, by and at public auction, for the best price that can be obtained for the same, first giving ten days' notice thereof, by inserting the same in a newspaper (if any) published in the Town of Port Hope, and by putting up a notice in some conspicuous place near the said Harbor, and out of the proceeds of such sale to deduct and pay the tolls in arrear and unpaid upon the things sold, and the expenses of and incident to such sale, and the residue, if any, to pay over, when demanded, to the owner or owners of the things so sold: Provided always, that until the said Board of Commissioners shall make or adopt such By-law to fix and determine the said rate of tolls, it shall be lawful for the said Commissioners to demand and receive the tolls fixed by the said

Mode of enforcing payment of Tolls.

Proviso.

said Act incorporating the said the President, Directors and Company of the Port Hope Harbor and Wharf Company, upon all vessels, boats, goods, wares and merchandize, property and effects passing over or calling or touching at the said Harbor or the piers belonging thereto.

VII. And be it enacted, That it shall and may be lawful for the said Board of Commissioners, and they are hereby empowered to make such additions and improvements in and to the said Harbor as they from time to time may think fit, and also a Dry Dock, Railway, and Ship-yard, calculated for constructing, refitting and repairing all vessels, boats, and shipping at such Harbor, and to make and adopt from time to time such By-Laws and regulations for managing and controlling the said Harbor, and for regulating the duties of all masters of vessels and other persons using the said Harbor or resorting thereto, and to enter into such contracts as they may approve for leasing any portion or portions thereof, and improving or adding to the said Harbor, and to employ such servants and agents in and about the business of the said Harbor as they shall require, and generally to do and perform all such acts and exercise all such powers as shall be necessary for the efficient management of the said Harbor, and to contract for, purchase, and take conveyances of, to and for the purposes of the said Harbor, in extending or improving the same, as they may think fit, such additional land as they may deem necessary, and the same when so acquired shall vest in the said Board of Commissioners, and their said successors, in the same manner and subject to the same regulations and provisions as the lands and premises above mentioned, and conveyed to them as aforesaid; and in case the said Board of Commissioners shall not be able to agree with the owner or owners for any property which they may desire either to purchase absolutely for the use and purposes of the said Harbor, or in and about which they may desire to make any road, bridge, street, cut, drain or other improvement for the purpose of the said Harbor, either for the price of such property or the amount of damages which the party or parties over, in or upon whose land such road, bridge, street, cut, drain, or other improvement may be to be made, shall be reasonably entitled to, such land may be taken and such road, bridge, street, cut, drain, or other improvements made by the said Board of Commissioners, in the manner and subject to the provisions made respecting Municipal Corporations, in and by the one hundred and ninety-fifth, one hundred and ninety-sixth, and one hundred and ninety-seventh sections of the Act passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to provide, by one general law for the erection of Municipal Corporations, and the establishment of regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, which shall apply as if the said Board of Commissioners had been authorized by the said Act to take such land or do such thing as aforesaid without the consent of the owner or owners of the property taken or affected.

Board empowered to make additions and improvements to the works.

Further powers.

Provision if they cannot agree with owners of land required for certain purposes.

Certain Sections of 12 V. c. 81 to apply.

Board may borrow money for certain purposes on security of the Tolls.

VIII. And be it enacted, That for the purpose of re-paying the said sum of Eleven Thousand Five Hundred Pounds, and of completing and improving the said Harbor, and of erecting additional wharves, moles and piers, dry dock and other works therein, as the said Board of Commissioners shall resolve on and approve, it shall and may be lawful for the said Board of Commissioners, and they are hereby authorized to borrow, on the security of the said Harbor, or on the security of the Tolls thereof, such sum or sums of money as they may deem requisite, not to exceed the sum of Thirty Thousand Pounds, and to secure and provide for payment of the same, by issuing from time to time, in the name of the said Board, Debentures for sums not less than Five Hundred Pounds, and redeemable within twenty years after the issue thereof, with interest at a rate not exceeding eight per cent per annum, and such Debentures shall be transferable, and the holder or holders of such of them as are not paid within or at the time at which they shall be made redeemable, shall and may sue for and recover the amount thereof, with the interest thereby agreed to be paid.

Debentures may be issued.

Board to keep regular accounts.

IX. And be it enacted, That the said Board shall keep regular books of accounts shewing their whole receipts and expenditure, which shall be public accounts, and be annually audited by the Auditors of public accounts for the said Town of Port Hope, and published with the accounts of the said Municipality of said Town.

Order of charges upon the Tolls and Revenues collection.

X. And be it enacted, That the proceeds of the tolls and revenues to be received by the said Board under this Act, shall be applied by them :

Firstly—To the payment of all reasonable expenses of collecting the same, and of managing the said Harbor and works, and keeping the same in efficient repair ;

Payment of interest on debt.

Secondly—To the payment of the interest of the debt or debts contracted or to be contracted by said Board ;

Sinking Fund.

Thirdly—To the formation of a sinking fund, to be applied towards paying off the principal of such debt or debts, and the balance (if any) shall be paid over to the Treasurer of the Municipality of the said Town for the public uses of the Town ; Provided always, That in case the said above named Commissioners shall be unable to borrow money as hereinbefore provided, for paying off the debt for which they have become personally responsible as aforesaid, the said Board shall be at liberty to apply the said tolls in liquidation of the said debt, and the interest thereof, until the same shall be wholly paid off and discharged.

Proviso.

Power to sell or exchange certain par-

XI. And be it enacted, That if at any time or times hereafter, it shall be considered expedient by the said Board of Commissioners so to do, it shall and may be lawful for the said Board, and they are

are hereby authorized to sell, lease, exchange, or dispose of such parts or parcels of the land appertaining to the said Harbor, or which may be hereafter purchased or owned by the said Board for the purposes of the said Harbor, as the said Board may think proper, for such price, sum, or equivalent as they may reasonably get for the same; and by the signatures of the President or Chairman and Secretary, and the Corporate Seal of the said Board, to execute the necessary deeds and conveyances for transferring the same.

XII. And be it enacted, That the said Board of Commissioners shall be and are hereby authorized to sue for, collect and receive all the tolls accruing or which may have accrued at the said Harbor since the date of the said contract or agreement hereinbefore first mentioned and up to the time of the passing of this Act, and until other rates and tolls shall be established in the manner provided by this Act, according to the rates established by the said Act incorporating the said The President, Directors and Company of the Port Hope Harbor and Wharf Company.

Power to sue
for Tolls now
due.

XIII. And be it enacted, That this Act shall be held to be a Public Act.

C A P . C X L I .

An Act to incorporate *The Pickering Harbour and Road Joint Stock Company.*

[Assented to 23rd May, 1853.]

WHEREAS David Clark, William Dunbar, Trueman P. White, and Samuel Reesor have, by their Petition to the Legislature, represented that in accordance with the provisions of an Act of the Parliament of this Province, passed in the twelfth year of the reign of Her Most Gracious Majesty Queen Victoria, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, certain persons did, in the year of our Lord one thousand eight hundred and fifty, form themselves into a Company under the name and style of *The Pickering Harbour and Road Joint Stock Company*, for the purpose of constructing a Harbour with the necessary piers, wharves, store-houses, and planked and other road therewith to be connected at Frenchman's Bay, situate on parts of lots numbers twenty-three, twenty-four and twenty-five, in the Broken front and in the First Concession of the Township of Pickering, which Company was duly registered on the eleventh day of December, in the year aforesaid; And that the said Company have since increased their Capital Stock which now amounts to upwards of Six Thousand Pounds, and have caused the instrument creating the additional stock to be duly registered, and with the consent of the owners and occupiers of the soil and freehold of the land adjacent to the said Bay have expended divers large sums of money

Preamble.

12 V. c. 84.

money

money in and about the making a safe and commodious Harbour at Frenchman's Bay aforesaid, and in and about the dredging and deepening the basin of the said Bay, and in the erection of piers, wharves and store-houses thereat, and in and about the making a road from the highway known as the Kingston road to the said Bay, in and near to the allowance for road between lots numbers twenty-four and twenty-five in the said Broken front Concession, and have entered into contracts for the completion of the said works; And that they have been advised that the general Act heretofore referred to, does not confer powers and privileges sufficiently extensive to enable them satisfactorily to carry out the objects originally in view, and have therefore prayed that they may be specially incorporated: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said David Clark, William Dunbar, Samuel Reesor and Trueman P. White, together with all such other persons as were subscribers to either of the said recorded instruments on the days when the said instruments were respectively registered, and all such persons as have not, and also the assignees of those persons who have heretofore assigned their stock, have been ever since such registration or assignment, as the case may be, and still are, and all such persons as shall hereafter be or become stockholders in such Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact by and under the name and style of *The Pickering Harbour and Road Joint Stock Company*, and that by this name, they and their successors, shall and may have continued succession and by such name have heretofore been and shall hereafter be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever, and that they and their successors may continue to use as their common seal, the seal heretofore used by the said Company, and may change and alter the same at their will and pleasure, and also that they and their successors by the name of *The Pickering Harbour and Road Joint Stock Company*, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company; Provided always, that nothing herein contained shall extend or be construed to extend to allow the said Company to carry on the business of Banking or to purchase more real estate than is absolutely

Certain persons declared to be a body Corporate.

Corporate name, and general powers.

Proviso.

absolutely necessary for the purposes for which they are hereby incorporated.

II. And be it enacted, That after the passing of this Act, the said Company shall have full power and authority to ask for, demand, receive, recover and take as toll, to and for their own proper use and benefit and behoof on all goods, wares and merchandize, shipped or landed on board, or out of any vessel or boat, from or upon any part of the Lake Shore or between the Eastern limit of lot number twenty-one and the Western limit of lot number twenty-eight in the Broken front Concession of the said Township of Pickering, and upon all vessels and boats entering the Harbour, according to the rates following, that is to say :

Company
empowered
to collect
Tolls.

	s.	d.
Boats and Vessels, under 50 tons, each.....	1	3
Boats and Vessels, 50 tons and over, each.....	2	6
Flour, per barrel.....	0	2
Pork and Beef, per barrel.....	0	3
Liquors, &c., per barrel.....	0	4
Wines, per barrel, 6d. per pipe.....	1	2
Butter and Lard, per barrel.....	0	3
Do. do. per firkin or keg.....	0	1½
Bees Wax and Tallow, per cwt.....	0	1½
Cheese, per cwt.....	0	1½
Beer and Cider, per barrel.....	0	3
Apples, fresh or dried, per barrel.....	0	3
Oil, per barrel.....	0	3
Fish, salt or fresh, per cwt.....	0	3
Hams, Bacon and Sugar, per cwt.....	0	2
Manufactured Tobacco, per cwt.....	0	3
Biscuit and Crackers, per barrel.....	0	3
Bran and Ship Stuff, per ton.....	1	0
Wheat, Indian Corn, Barley, Rye, Potatoes, &c., per bushel.....	0	1
Cotton and Wool, per ton.....	1	6
Horses and Horned Cattle, each.....	0	4
Sheep, Hogs and Calves, each.....	0	1½
Flax Seed, and all other Seeds, per barrel.....	0	3
Sea Coal and Salt, per ton, and Gypsum, un- ground, per ton.....	1	3
Gypsum, ground, per barrel.....	0	1
Pot and Pearl Ashes, per barrel.....	0	3
Pitch, Tar, Varnish and Turpentine, per barrel..	0	3
Brick, Sand, Lime, Clay, Manure, per ton....	0	10
Grindstones, Cut Stones, Iron Ore, Millstones, per ton.....	0	10
Pig and Scrap Iron, Broken Castings and Wrought Iron, per ton.....	1	3
Charcoal, Manganese, Copperas, per ton.....	2	6
Fire Wood, per cord.....	0	3
Stones, unwrought, per cord.....	0	10

The Tolls.

Stone

The Tolls.	s.	d.
Stone and Earthenware, per ton.....	2	6
Raw Hides, per cwt.....	0	1
Furs, per do.....	0	1½
Dressed Hides and Skins.....	0	1½
Furniture and Luggage, per ton.....	1	6
Carts, Waggon, Ploughs, Sleighs and Mechanics' Tools, per ton.....	1	6
Lumber, Squared Timber, 12 in. square and upwards, per thousand cubic feet.....	5	0
Do. under 12 x 12 per do.....	3	9
Small Round Timber, per T. lineal.....	2	6
Boards, Planks, Scantling and Sawed Lumber, per thousand.....	1	3
Pipe Staves, Headings, per mille, or thousand..	2	6
West India Staves, per mille.....	2	6
Shingles, per mille.....	0	3
Saw Logs, each.....	0	1½
Cedar Posts, per cord.....	1	3
Posts and Railing, for fencing, per cord.....	1	0
Empty Barrels, each.....	0	1
All Articles of Merchandize, not enumerated above, per ton.....	3	0
Firkins, Small Casks, Packages, each.....	0	1
All other unenumerated articles, five shillings per ton.		

Certain property vested in the Company.

III. And be it enacted, That the harbour, road, moles, piers, wharves, buildings and erections heretofore built, made and erected, or which shall hereafter be built, made or erected, and all real estate acquired, or to be acquired by the said Company, and all materials which shall have been heretofore, and shall hereafter be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls, wharfage and storage on boats, vessels, goods, wares or merchandize, as hereinbefore mentioned, shall be and the same are hereby vested in the same Company, and their successors for ever.

Provision for enforcing payment of Tolls.

IV. And be it enacted, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, or any storage or wharfage to be collected under the provisions of any By-law or resolution as hereinafter mentioned, it shall and may be lawful for the said Company or their officer, clerk or servant duly appointed, to seize or detain the goods, vessels or boats on which the same were due and payable until such tolls, wharfage or storage are paid; and if the same shall be unpaid for the space or thirty days next after such seizure, the said Company or their officer, clerk or servant as aforesaid may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls, wharfage and storage, by public auction, giving ten days' notice thereof, and returning the overplus (if any) to the owner or owners thereof.

V. And be it enacted, That the affairs, stock, property and concerns of the said Company shall, until the next election of Directors as hereinafter mentioned, be managed and conducted by the present Directors of the said Company, and upon, from and after such next election which shall be held on the first day of January, one thousand eight hundred and fifty-four, by five Directors to be annually elected by the Stockholders; such subsequent Directors to serve after the expiration of the term of office of the previous Directors, for one year, commencing from the first day of January in each year, and that upon every such election of Directors each Stockholder shall be entitled to one vote, either in person or by proxy, for every share he may hold or be possessed of in the said Company, and a majority of any such Directors shall be a quorum for the transaction of business.

Affairs to be managed by present Directors until others are elected.

Election of Directors.

Votes.

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

Case of failure of any Election provided for.

VII. And be it enacted, That the Directors, for the time being, or the major part of them, shall have power to make and subscribe such Rules and Regulations and By-laws as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duty of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Company.

Directors to make By-laws.

VIII. And be it enacted, That it shall be lawful for the Directors of the said Company, to elect one of their number to be President, and to nominate and appoint such and so many Officers, Clerks and Servants, as they shall deem necessary for performing the duties required of them by the said Company, with such salaries and allowances as to them shall seem fit, and in their discretion to take security from them or any of them in the name of the said Company, for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands, to the use of the said Company.

Directors to appoint a President: and Clerks and Officers; fix salaries, &c.

IX. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or the majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered by them of the state of their affairs, debts, credits, profits and losses, such statement to appear on the

Directors to declare dividends.

the Books and to be open to the perusal of any Stockholder at his or her reasonable request.

To make calls on Stock.

X. And be it enacted, That the Directors shall have power to make calls for instalments on shares, and notice thereof shall be given by advertisement in one newspaper, if any published in the County of Ontario, and in one newspaper published in the City of Toronto; Provided always, that no instalment of more than twenty-five per cent, on each share shall be made payable at any one time, and that one calendar month at least shall elapse between the days of payment of such instalments.

Proviso.
Calls limited.

Forfeiture of Stock for non-payment of calls.

XI. And be it enacted, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required any such instalment or instalments, or call or calls, as shall be or may have heretofore been lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares as aforesaid, with any amount that shall have been previously paid thereon, and that the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company; Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid; Provided always, nevertheless, that thirty days' notice of the sale of such forfeited shares shall be given in one newspaper (if any) published in the said County of Ontario, and one newspaper published in the City of Toronto, and that the instalment due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Proviso.

Proviso.

Calls may be recovered by action, instead of forfeiting Stock.

XII. And be it enacted, That notwithstanding any provision in this Act for the forfeiture of shares on non-payment of instalments or calls, the said Company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive, of or from any Stockholder in the said Company, the amount of any call or calls of stock which such Stockholder may neglect to pay after public notice as aforesaid, with interest thereon from the day when such calls shall in such notice be declared payable.

What only need be alleged in such action.

XIII. And be it enacted, That in any action or suit to be brought by the said Company against any Stockholder, to recover any money due, or for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is or was the holder of one

one share, or more, (stating the number of shares,) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more, upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the Company.

XIV. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the Defendant, at the time of making such call, was a holder of one share or more in the said Company, (and when there has been no transfer of the shares, then the proof of subscription to the original or other agreement to take stock, shall be sufficient evidence of holding stock to the amount subscribed,) and that such notice of the call or calls was given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

What only
need be
proved in
such action.

XV. And be it enacted, That in any action or suit brought by or against the said Company, upon any contract, or for any matter or thing whatsoever, any Stockholder, or any Officer or Servant of the Company, 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.

Officers of
Company to
be competent
witnesses.

XVI. And be it enacted, That if any person or persons shall in any way injure, cut, break down or destroy any part of the said road, piers, wharves, storehouses, or other buildings, erections or improvements, made or to be made by the said Company, in, upon, or near the said road or Harbour, and belonging to or used for the convenience of the said Company 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 Harbour or Road, for the construction, maintenance, or repair thereof; or if any person shall wilfully pull down, break, injure or damage any table of tolls put up or fixed at the said Harbour, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger-post; or if any person shall throw any earth, rubbish or other matter or thing, into any drain, ditch, culvert, or other watercourse made for draining; or if any person shall, without permission, carry away any stones, gravel, sand, or other materials, dirt or soil, from any part of such road, or dig any holes or ditches on the allowance for the same, or use the work constructed by the Company, without first having paid the

Punishment
of persons
destroying or
injuring the
Company's
works, &c.

How enforced. the toll allowed to be taken by this Act, such person shall, upon conviction thereof in a summary way before any Justice of the Peace at or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than Fifty Shillings, nor less than Five Shillings, such damages and fine to be paid within a time to be limited by the said Justice, and in default thereof, the same shall be levied as fines are now levied by law.

Increase of capital provided for in certain cases.

XVII. And be it enacted, That if at any time hereafter the Directors for the time being shall be of opinion that it would be desirable further to deepen the Basin of the said Bay, or that the original capital subscribed will not be sufficient to complete the work contemplated by the said Company to be executed or to be extended, or altered, it shall and may be lawful for the Directors for the time being, under a resolution to be passed by them for that purpose, either to borrow upon the security of the said Company, by bond or mortgage of the Harbour, Road, and Tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their resolution, a copy whereof under the hand of the President and seal of the Company shall be engrossed at the head of the subscription list, to be opened for subscribers to the additional number of shares thereby authorized to be subscribed, and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President shall deliver such new list of subscribers to the register having the custody of the original instrument, heretofore referred to, who shall attach such new list of subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said instrument, and all the subscribers thereto, and those who may thereafter enter their names as subscribers therein, with the consent of the Directors to be signified by producing a receipt from the Treasurer of the Company, that the person desiring to subscribe to the said new stock list has paid an instalment of six per cent. on his shares, shall be subject to all the liabilities and entitled to all the rights, privileges and advantages to which the original Stockholders shall have been entitled, and as well to the said Harbour and Road in its original state as to any extension or improvement thereof as aforesaid, and such additional shares or stock shall and may be called in, demanded and recovered in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original shares or stock of the said Company: Provided always that the whole amount so borrowed or added to the stock of the said Company shall not exceed Four Thousand Pounds.

Proviso.

XVIII. And be it enacted, That the Directors for the time being shall be and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of land required or held for the purpose of the said Company, for the purchase of the said lands and privileges and of any further portion of land or marsh around the said harbour which they may at any future time require for the purposes of this Act, and in case any difference shall arise between the said Company and the said owners or occupiers, as to the value of the said lands and privileges so required or taken, or to be hereafter required or taken by the said Company, or as to the amount of damage to be paid by the said Company, all questions respecting the same shall be settled as follows: The Company shall serve a notice upon the opposite party, containing a description of the land required or taken, or of the powers intended to be exercised with regard to any lands (describing them),—a declaration that the Company are ready to pay some certain sum or rent, as the case may be, as compensation for such lands, or for the damages arising from the exercise of such powers, and the name of a person whom they appoint as their Arbitrator, if their offer be not accepted; and such notice shall be accompanied by the certificate of some sworn Surveyor for Upper Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that he knows such land or the amount of damages likely to arise from the exercise of such powers or privileges, and that the sum so offered is in his opinion a fair compensation for such land or damages, as aforesaid. If within ten days after the service of such notice the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Judge of the County Court in which the lands lie, may, on application of the said Company, appoint some sworn Surveyor for Upper Canada to be sole Arbitrator for determining the compensation to be paid by the Company; if the opposite party shall within the time aforesaid notify to the said Company the name of the person such party shall appoint as Arbitrator, then, the said two Arbitrators shall jointly appoint a third; or if they cannot agree upon the third, then the said Judge of the County Court shall, on the application of the said Company or party, previous notice of at least one clear day having been given to the other party, appoint a third Arbitrator. The said Arbitrators, or any two of them, or the sole Arbitrator being sworn before some Commissioner for receiving Affidavits to be used in the Court of Queen's Bench for Upper Canada, faithfully and impartially to perform the duties of the office, shall proceed to ascertain the compensation to be paid by the said Company, in such way as they or he, or a majority of them shall deem best, and the award of such Arbitrators or any two of them, or of the sole Arbitrators shall be final and conclusive; provided that no such award shall be made, except at a meeting held at

Directors may agree with owners of lands required for certain purposes.

Arbitration in default of agreement. Proceedings in such case.

Notices, and appointment of arbitrators.

Arbitrators to be sworn.

Meetings of Arbitrators.

a time and place, of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting, at which the third Arbitrator was present, shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required; Provided always, that the award made by any sole arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the said Judge of the County Court. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation, the parties, or such persons as shall appear before him or them, and may administer such oath or affirmation; and any wilfully false statement made by any witness under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly; the said Judge of the County Court, by whom any third or sole Arbitrator shall be appointed, shall at the same time, fix a day, on or before which the award shall be made, and if the same be not made on or before such day or some other day to which the time for making it shall have been prolonged either by the consent of the parties, or by the order of the said Judge (as it may be, for reasonable cause shewn,) on the application of such sole Arbitrator, or one of the Arbitrators after one clear day's notice to the others, then the sum offered by the Company as aforesaid shall be the compensation to be paid by them; if the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall refuse to act, or fail to act within a reasonable time, then upon the application of either party, the said Judge, being satisfied by affidavit or otherwise, of such disqualification, refusal or failure, may in his discretion appoint another Arbitrator in his stead; and if the Arbitrator appointed by the said Company, or by the opposite party, shall die before the award shall be made, or shall leave the Province, or become unable to act within a reasonable time, such fact being ascertained to the satisfaction of the said Judge as attested by his certificate to that effect, the said Company or the opposite party, as the case may be, may appoint another in his stead, notifying the other Arbitrators of such appointment; it shall be no disqualification to the Surveyor or other person offered or appointed as Valuator or as Arbitrator, that he be professionally employed by the Company, or by the opposite party, or that he hath previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided that he be not personally interested in the amount of such compensation; and no cause of disqualification shall be urged

Proviso.

Costs.

Examining witnesses.

Perjury.

Day before which award must be made may be fixed.

Death, &c. of an Arbitrator.

Disqualification of Arbitrators, &c.

against

against any Arbitrator appointed by the said Judge, after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator before the appointment of a third Arbitrator, shall be summarily determined by the said Judge, on the application of either party, after one clear day's notice to the other; and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator. No award made as aforesaid shall be invalidated by any want of form, or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right, privilege or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award.

Award not subject to technical form.

XIX. And be it enacted, That upon payment or legal tender of the compensation so awarded, agreed upon, or determined as aforesaid, to the party entitled to receive the same, the award or agreement shall vest in the Company the power forthwith to take or hold possession of the lands, or to exercise the right, or to do the things for which such compensation shall have been awarded or agreed upon; and if any resistance or forcible opposition shall be made by any person or party to their so doing, the said Judge of the County Court may, on proof to his satisfaction, that the requirements of this Act have been complied with, issue his warrant to the Sheriff of the County, or to any Bailiff of the Court, to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do.

Effect of payment of sum awarded.

Resistance to Company after payment of award, to be put down.

XX. And be it enacted, That all debts heretofore due to the said Company, and all judgments, recognizances, bonds, covenants and other instruments or contracts, suffered, acknowledged or given to, or made with them, before the passing of this Act, and all rights by them obtained, and acts by them lawfully done, shall be valid and available to the said Company, and stand and continue in full force and effect; Provided always, that the said Company shall be liable for all the present existing debts, contracts and agreements by them heretofore incurred or made.

Rights and claims of Company continued.

Proviso: liabilities continued.

XXI. And be it enacted, That the said Company shall annually transmit to each Branch of the Legislature, within ten days after the opening of each Session thereof, a true, full and

Accounts to be rendered.

and detailed account of their property and liabilities, revenues and affairs, attested on oath by one of the Directors.

Public Act.

XXII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

C A P . C X L I I .

An Act to extend the powers of The Consumers' Gas Company of Toronto.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS *The Consumers' Gas Company of Toronto*, and also many of the Inhabitants of Yorkville, in the immediate vicinity of the City of Toronto, have petitioned the Legislature, that the said Company be allowed to extend their works and pipes beyond the limits of the City and into the said Village, Town or Municipality of Yorkville, and other parts of the Township of York adjoining the said City, and it is expedient to allow the same to be done : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said *The Consumers' Gas Company of Toronto*, to break up, dig and trench so much and so many of the public streets, roads, squares, highways and other public places either of the said City of Toronto, or of the said Municipality, Town or Village of Yorkville, and of the Township of York adjacent to the said City of Toronto, as may at any time be necessary or required for laying down the mains and pipes to conduct the Gas from the works of the said Company to the Consumers thereof, whether within or beyond the said limits of the said City of Toronto, or into, through or over any part of Yorkville aforesaid, or of the said Township of York, or for taking up, renewing, altering or repairing the same whenever the said Company or their successors shall deem it expedient ; And generally that it shall be lawful for said Company, and their successors, to do every necessary act, matter and thing, beyond the limits of the said City of Toronto, for the purpose of extending their said works, pipes and mains beyond the said limits into the said Municipality of Yorkville, or other parts of the said Township of York adjacent to said City, and for supplying the Gas to the Consumers thereof living beyond such limits, in the same manner as the said Company now have power to do the same within the said City of Toronto.

The Company empowered to extend their works to Yorkville and other parts of the Township of York.

II. And be it enacted, That the said Company shall enjoy all the powers and privileges now enjoyed by them by law, and shall be subject to all the same duties and responsibilities that they are now subject to by law, in extending their works, pipes or mains beyond the said limits under the authority of this Act; the Municipality into whose jurisdiction they may so enter, being substituted in all suitable cases for the Municipality of the City of Toronto.

Powers and privileges of the Company extended to such new works.

III. And be it enacted, That if any person or persons, body or bodies, whether principals or workmen, or party employing such, shall, within or beyond the limits of the said City of Toronto, join or connect any pipe to the main or service pipes of the said Company, or shall, in any way, join or connect any pipe for the supply of any light or burner, to any pipe whatever containing Gas, or used to contain or convey Gas, without having first received the consent of the Company or their Manager or Clerk in writing, then such person or persons, or party employing such shall, for every offence, forfeit and pay to the said Company the sum of Twenty-five Pounds currency, and also a further sum of One Pound for each day such pipe shall so remain, or be imprisoned for the term of two calendar months in the Common Gaol of the County, on being convicted thereof by any Court of competent jurisdiction.

Penalty on persons using Gas without leave, by joining pipes to mains, &c.

Further penalty per diem.

IV. And be it enacted, That it shall and may be lawful for the said Company to buy, sell or dispose of in any way, any coal, surplus coal, or coal required for making Gas, or not found to answer for making Gas, and to buy, sell, lease or hire all meters, interior or service pipes, mains or Gas fittings, Lamps or Gas apparatus, and to employ the necessary workmen for putting up fittings generally.

Company may buy and sell certain things.

V. And be it enacted, That this Act shall be held to be a Public Act.

C A P . C X L I I I .

An Act to authorize an addition to the Capital Stock of the Quebec Bank, to facilitate the transfer of Shares in certain cases, and for other purposes relative to the said Bank.

[Assented to 23rd May, 1853.]

WHEREAS the Quebec Bank have prayed for authority to increase their Capital Stock, and to make their Shares of Stock transferable in Great Britain, and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the

Preamble.

Bank may add
£150,000 to
its Capital
Stock; to be
paid by
instalments,
&c.
4 & 5 V. c. 94,
cited.

Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Quebec Bank constituted and incorporated by an Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to extend the Charter of the Quebec Bank*, to add to their present Capital Stock a further sum not exceeding One Hundred and Fifty Thousand Pounds currency, divided into six thousand shares of Twenty-Five Pounds each, which shares shall and may be subscribed for, either in or out of this Province, in such proportions or numbers and at such times and places and under such regulations, as the Directors of the Bank shall from time to time establish; and the shares subscribed for shall be paid in by such instalments and at such times and places, as the Directors shall from time to time appoint, and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and are hereby respectively indemnified for paying the same: Provided always, That no share shall be held to be lawfully subscribed for, unless ten *per centum* thereof, at the least, be paid at the time of subscribing. And provided also, that the said six thousand shares be subscribed for and wholly paid up within five years from and after the passing of this Act.

Proviso.

Proviso.

Subscribers
may pay up
Stock at once
on certain
conditions.

II. Provided always, and be it enacted, That when any person or party desirous of subscribing for shares of the additional Capital Stock authorized by this Act, shall also be willing to pay up, at or at any time after the time of subscribing, the full amount of the shares subscribed for, with such premium thereon (if any) as hereinafter mentioned, it shall and may be lawful for the Directors of the Bank, and at any time within the aforesaid period of five years, to admit and receive such subscriptions and full payment, together with such premium as, at the time of subscribing, shall or may be agreed upon; and in every such case, the premium so received shall be carried to the account of the ordinary profits of the Bank; any thing in the said Act of incorporation, or in this or any other Act or law, to the contrary notwithstanding.

Stock may be
made transfer-
able, &c., in
Great Britain.

III. And be it enacted, That shares of the Capital Stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in Great Britain, in like manner as such shares and dividends are now respectively transferable and payable at the Bank in the City of Quebec; and to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agents or agent, as they may deem necessary.

Directors may
open books of

IV. Provided always and be it enacted, That the Directors of the said Bank shall not be compelled to open books of subscription

subscription for the whole number of shares authorized by this Act, at one and the same time, but it shall and may be lawful for the said Directors, and they are hereby authorized, from time to time, to limit the number of shares for which the books of subscription shall be opened as aforesaid at any one time, as they in their discretion may deem most advisable.

subscription for such number of shares as they may deem advisable.

V. And be it enacted, That if the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer according to the provisions of the Act of Incorporation of the said Bank, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which and the party to whom such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration, so signed and acknowledged, shall be left with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled, under such transmission, in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof; Provided always, that every such declaration and instrument as by this and the following sections of this Act is required, to perfect the transmission of a share of the Bank, and as shall be made in any other Country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the Country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative: And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Transmission of shares by other means than regular transfer to be authenticated by a declaration.

Proviso.

Proviso.

VI. And be it enacted, That if the transmission of any share of the Bank be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share;

Proof of transmission of shares by Marriage, Will, &c.

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 of Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders.

Bank not bound to regard trusts.

VII. And be it enacted, That the Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares 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 or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust ; and the Bank shall not be bound to see to the application of the money paid upon such receipt ; any law or usage to the contrary notwithstanding.

Mode of enforcing forfeiture for non-payment of instalments due on Stock.

VIII. And be it enacted, That if any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock at the time or times required by Public Notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Quebec Bank of a sum of money equal to Ten Pounds per centum on the amount of such shares ; and moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole ; and the President or Vice-President, or Cashier of the said Corporation shall execute the transfer to the purchaser of the shares of Stocks so sold, and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred : Provided always, that nothing in this Section contained, shall be held to debar the Directors or Shareholders at a General Meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Proviso.

Part of Ordinance of L. C. 2 Vic., c. 24, recited.

IX. And whereas by the eleventh section of an Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank,*
and

and to make further provision for the government and management of the said Bank, it is among other things in effect enacted, that the total amount of the notes of the said Bank, being for a less sum than One Pound Five Shillings, currency aforesaid, issued and in circulation at any one time, shall not exceed one fifth of the amount of the Capital Stock of the said Bank then paid in, and it is expedient so to amend the said enactment as to put the said Bank on the same footing in this respect as other Chartered Banks in Lower Canada; Be it therefore enacted, That the said enactment in the said Ordinance be repealed, and instead thereof, Be it enacted, That the total amount of the notes of the said Bank, being for a less sum than One Pound currency each, which shall be issued and in circulation at any one time, shall not exceed one fifth of the amount of the Capital Stock of the said Bank then paid in.

The recited
enactment
amended.

X. And be it enacted, That this Act shall be deemed a Public Act.
Public Act.

C A P . C X L I V .

An Act to incorporate *The Erie and Ontario Insurance Company.*

[Assented to 23rd May, 1853.]

WHEREAS William Hope, George Boomer, Joseph A. Woodruff, John Simpson, Alexander R. Christie, Peter Christie, Robert Connor, John Swinton and others, have petitioned the Legislature, praying that an Association, under the style and title of *The Erie and Ontario Insurance Company* may be incorporated, as well for the purpose of enabling parties, owners of or interested in property, mutually to insure each other, as also the better to enable such Institution to conduct and extend the business of Fire Insurance; And whereas it hath been considered that it would be highly advantageous if such Corporation was established: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said William Hope, George Boomer, Joseph A. Woodruff, John Simpson, Alexander R. Christie, Peter Christie, Robert Connor, John Swinton, and all such other persons as shall hereafter become Members of the said Company, are hereby constituted a Body Corporate, by the style and title of *The Erie and Ontario Insurance Company*, and by that name they and their successors shall have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of

Preamble.

Certain persons incorporated.

Corporate name and general powers.

of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a Common Seal, and may change and alter the same at pleasure, may mutually insure their respective properties, under the restrictions, limitations and conditions hereinafter contained, and may also insure the houses and personal property of others, for such time and at such premiums as shall be agreed upon between the said Corporation and parties insuring ; and also, that they and their successors by and under the name of *The Erie and Ontario Insurance Company*, shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of the said Company, subject to the rules and conditions hereinafter mentioned.

Division of stock and Members into Mutual and Proprietary.

II. And be it enacted, That the Stock and property of the said Company shall be held liable for the payment of all losses that may from time to time occur to the said Company, and for that purpose shall be divided into, and consist of two separate and distinct descriptions of Stock, namely, Mutual and Proprietary ; the Mutual Stock being composed of Premium Notes deposited for the purpose of Mutual Insurance, together with all payments and other property received or held thereon, or in consequence of such Mutual Insurance ; and the Proprietary Stock being composed of Stock in shares, subscribed and paid for the purpose of Fire Insurance to others, which Proprietary Stock shall not exceed One Hundred Thousand Pounds, divided into shares of Ten Pounds each, and also, that the Members of, or persons composing the said Company, shall in like manner consist of, and be divided into two classes, namely, those who deposit Premium Notes for the purpose of Mutual Insurance, denominated Mutual Members, and Proprietary Members, or those who hold shares in the Proprietary Stock of the said Company ; Provided always, that nothing herein contained shall prevent the same person from holding at the same time both descriptions of Stock.

Proviso.

Similar Division of profits, losses and expenses.

III. And be it enacted, That persons being Members of the said Corporation by reason of deposit of Premium Notes for the purpose of Mutual Insurance, shall not be held liable for any claims for losses or payments beyond the amount of his, her, or their Premium Notes respectively ; and neither shall Proprietary Members be held liable for any claims for losses or payments beyond the amount of such share or shares of the Proprietary Stock which each may respectively hold : and also, in all the transactions of the said Company, the profits and benefits arising from or on account of the Mutual Branch of the said Company, shall be secured to the Members thereof ; and, in like manner, the profits and benefits arising from or on account of the Proprietary Branch of the said Company, shall be secured to the Proprietary Members ; and further, all the expenses necessary and incurred for the conducting and management of the said Company, shall be fairly assessed upon and divided between each Branch or Department of the said Company.

IV. Provided always, and be it enacted, That no Dividend or Bonus shall be declared or paid out of the Capital Stock of the said Company, whether Proprietary or Mutual.

As to Dividends and Bonuses.

V. And be it enacted, That the said Company, by its corporate name aforesaid, shall be capable of purchasing, having and holding, to them and their successors, such estate, real, personal or mixed, as may be requisite for its accommodation in relation to the convenient transaction of its business; and may take and hold any real estate *bonâ fide* mortgaged to the said Company by way of security for the payment of any debts which may be contracted with the said Company, and may proceed on the said mortgaged securities for the recovery of the moneys thereby secured either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do; and also, to purchase on sales made by virtue of any such proceedings at law or equity, or otherwise to receive and take any real estate in payment, or towards the satisfaction of any debt previously contracted and due to the said Corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property; Provided always, that the lands, tenements and hereditaments which it shall be lawful for the said Company to hold, shall be only such as may be requisite for its accommodation in relation to the convenient transaction of its business, or such as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Power to hold property real or personal, for certain purposes and in certain cases.

And to purchase at sales of property mortgaged to it.

Proviso.

VI. And be it enacted, That it shall not be lawful for the said Company to deal in, use or employ any part of the funds or moneys thereof, in buying or selling any goods, wares or merchandize in the way of traffic, or in banking operations; but it shall, nevertheless, be lawful for the said Company to purchase or hold any stock, Government securities, or other securities of Public Companies, or funded debt, for the purpose of investing therein any part of their funds or money; and also, to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said Company shall require; and also, to make loans of the funds on bond and mortgage, and the same to call in and re-loan, as occasion may render expedient.

Business of the Company defined and limited.

Investments.

VII. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by a Board of nine Directors, one of whom shall be chosen President, and of which Board two Directors shall go out of office by rotation each year, but who shall, nevertheless, be immediately eligible for re-election as Directors; and the election of two Directors, in place of those so retiring from office, shall be held and made at the General Annual Meeting of the Company by such Members thereof

Number and Election of Directors and of President.

thereof as shall attend for that purpose, either in their own proper persons or by proxy, and all elections of such Directors shall be by ballot, and the two persons who shall have the greatest number of votes at any election shall be Directors; and if it shall, at any such election, happen that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than two shall, by a plurality of votes, appear to be chosen Directors, then the said Members hereinbefore authorized to hold such election, shall proceed to elect by ballot, until it is determined who of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of nine, and the said Directors so chosen, as soon as may be after the said election, shall proceed to elect one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, or in the office of President, by death, resignation, removal from the Province, or ceasing to hold the interest in the Corporation hereinafter required, such vacancy or vacancies shall be filled up for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors; Provided always, that no person shall be elected to the office of a Director who is not a Member of the Company, holding an interest therein, either to the extent of Mutual Insurance to the amount of Two Hundred Pounds, and if not Mutual Insured, to possess ten shares of Proprietary Stock.

VIII. And be it enacted, That the Board of Directors shall name and determine the day for the holding of the General Annual Meetings of the Company; and public notice of all General Meetings shall be given in at least two newspapers, which may be published in the Province of Canada, at least one month previous to the time of holding the said General Meeting or Meetings; and at the first General Annual Meeting of the Company, to be held as above directed, the Members then present shall decide and determine, by a By-law of the Company to be then passed, the mode and manner in which the two retiring Members shall be then and in future determined; and the notice of all subsequent General Annual Meetings for election of Directors shall contain the names of the two retiring Directors.

IX. And be it enacted, That each Member of the said Company shall be entitled to the number of votes proportioned to the amount of Stock by him, her or them insured or held at least one month prior to the time of voting, according to the following rates, that is to say: Mutual Members, for any sum insured in the said Company amounting to Fifty Pounds, one vote, Two Hundred Pounds, two votes, Four Hundred Pounds, three votes, and Five Hundred Pounds, four votes; Proprietary Members, one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

X. And be it enacted, That any number of the Directors of the said Company, being a majority of the said Directors, shall have full power and authority to make, prescribe and alter such By-laws, Rules, Regulations and Ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the rates and amount of Insurance and issuing of Policies, the management and disposition of its Stock, property, estate and effects, and also, to call in any instalment or instalments, or assessment or assessments, at such time and season and times and seasons as they shall think fit, giving due notice thereof as hereinafter provided; and also, to declare and cause to be paid or distributed to the respective Stockholders of the Company, any dividend or dividends of profits, at such times and seasons as they may deem expedient; and also, to appoint a Secretary and Treasurer, with such salary and allowance to each, as well as to other officers or agents of the Company, and to take security from them for the due performance of their respective duties, as they shall think meet and advisable; Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

Powers of Directors.

By-laws.

Rates of insurance.

Dividends.

Officers.

Proviso: Quorum, for the purposes of this section.

XI. And be it enacted, That if it shall happen at any time, or for any cause, that an election of Directors shall not be made on any day when, pursuant to this Act or the By-laws of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved, but it shall be lawful, on any other day, to hold and make an election of Directors, in such manner as shall be regulated by the By-laws and Ordinances of the Company, and the Directors in office shall so continue until a new election shall be made.

Failure of election, not to dissolve the Company.

XII. And be it enacted, That there shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a *quorum*, for the purpose of transacting and managing the details of the business and affairs of the said Company; and at all meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President or presiding Director shall give the casting vote over and above his proper vote as a Director; Provided always, that nothing herein contained shall be construed to authorize the making, prescribing, altering or repealing any By-laws or Ordinances of the said Company, or calling in any instalments or assessments on Stock, or declaring any dividends of profits, or the appointment of Treasurer or Secretary, or the appointment of salaries to, or securities from, officers or agents of the said Company, by any less number of Directors or in any other manner than is mentioned heretofore.

Weekly Meetings.

Quorum.

Votes and casting vote.

Proviso.

Compensation
to Directors.

XIII. And be it enacted, That the said Directors, and such others as may be chosen by the said Company, shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or Rule of the Board, which compensation shall not exceed Fifteen Shillings to Members living within the United Counties of Lincoln and Welland, and Seven Shillings and Six Pence to those residing in the Town of Niagara; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation, in proportion to their several interests in the same, in and for their giving out and signing Policies of Insurance, and all other lawful acts, deeds and transactions done and performed in pursuance of this Act; and neither shall the said Directors be personally answerable for or chargeable with the defaults, neglects or misdeeds of the Board.

Indemnifica-
tion for acts
done by them
officially.

Frauds of
Officers to be
misdemeanor.

XIV. And be it enacted, That any person who, as Secretary, Deputy-Secretary, Treasurer, Clerk, or other officer of the Company, shall be guilty of any wilful fraud, in any matter or thing pertaining to his office or the duties thereof, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person or Member of this Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Forging pro-
xies or per-
sonating
Members.

Powers to
effect con-
tracts of in-
surance.

XV. And be it enacted, That the Corporation hereby created shall have power and authority to make and effect Contracts of Insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores, or other buildings whatsoever, and in like manner, on any goods, chattels, or personal estate whatsoever, and for such premiums or consideration, and under such restrictions as may be agreed upon by and between the Company and the persons agreeing with them for Insurance, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Limitation as
to mutual
Insurance.

XVI. Provided always, and be it enacted, That in all cases of Mutual Insurance, there shall not be insured more than two-thirds the value of any building, nor shall a sum be involved exceeding Five Hundred Pounds on any one risk; and no Mutual Insurance shall be effected on any kinds of mills, carpenters' shops or others, which, by reason of the trade or business followed, are rendered extra hazardous.

Policies how
to be executed.

XVII. And be it enacted, That all Policies or Contracts of Insurance issued or entered into by the said Company, shall be signed by the President and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company in case of their absence, and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

XVIII. And be it enacted, That in all cases of Mutual Insurance, the assured shall, on the application for Insurance, state the true nature of his title to the land upon which the building or buildings to be insured are erected, and whether the same be encumbered; and if encumbered to what extent, otherwise the Policy of Insurance granted thereon shall be void.

Duty of persons effecting Mutual Insurance.

XIX. And be it enacted, That at the Annual General Meeting of the said Company, and before the Members then assembled, the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Company; of the funds, property and securities, shewing the amount of real estate, in bonds and mortgages, in notes and the securities thereof, in public debt or other stock, and the amount of debt due to and from the said Company.

Statement of affairs to be submitted yearly.

XX. And be it enacted, That in case of any loss or damage by fire happening to any property insured with the said Company, immediate notice thereof shall be given by the assured to the Secretary of the Company, or to the Agent of the Company, if there should be one acting for it in the neighbourhood of the place where such fire occurred, and the assured shall, as soon after as may be, furnish to such agent, or otherwise to the Secretary, a full statement of all particulars of the said fire, as far as can be ascertained, together with a detailed account of all damage done, which statement and account shall be verified, upon oath, by the parties making the same, if required; and the Directors, upon view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering shall not be satisfied with the determination of the Directors, the question shall then be submitted to three disinterested persons as Referees, one of whom shall be named by the suffering party and one by the Board, and the two Referees so named shall choose a third, and the decision or award of a majority of them shall be binding; and if the award is not satisfactory, either party may sustain its case in an action at law; and if, upon the trial of such action, a greater sum shall be recovered than the amount determined upon by the Directors, the parties suffering shall have judgment therefor against the Company, with interest thereon from the time at which payment for such loss or damage should have been made by the terms of the Policy, had no such question or disagreement arisen, with costs of suit; but if no more shall be recovered than the amount so previously determined, or a less sum be awarded, then the plaintiff or plaintiffs in such suit shall not be entitled to costs against the defendants, but the defendant shall be entitled to costs, as in the case of a verdict for them.

Notice of Loss.

Statement of loss.

Duty of Directors.

Arbitration in cases of difference.

If the award dissatisfy either party.

XXI. And be it enacted, That every Mutual Member of the Company shall be and is hereby bound and obliged to pay his or her portion of all losses and expenses happening or accruing in or to the Mutual Branch of the Company, during the continuance of his or her Policy of Insurance; and all the right, title, interest and

Obligation of members mutually assured.

Rights of
Company.

and estate at the time of the Insurance of the assured, of, in or to the building insured by and with the said Company, and to the lands on which the same shall stand, and to all other lands there-to adjacent, which shall be mentioned and declared liable to the Policy of Insurance, shall stand pledged to the said Company, and the said Company shall have full power to sell, demise and mortgage the same, or any part thereof, to meet the liabilities of the insured for his, her or their proportion of any losses or expenses happening or accruing to the said Company, during the continuance of his, her or their Policy, which sale, demise or mortgage shall be made in such manner as shall be specified in the Policy of the assured.

Payment by
mutual mem-
bers of their
shares of any
losses.

XXII. And be it enacted, That the Directors shall, after receiving notice of any loss or damage by fire sustained by any Mutual Member, with account and proof thereof, and ascertaining the same, or after the recovery of any judgment, as aforesaid, against the Company for such loss or damage, settle and determine the sums to be paid by the several Mutual Members thereof as their respective proportions of such loss, and publish the same in such manner and form as they shall see fit, or as by the By-laws shall have been prescribed, and the sum to be paid by each Mutual Member shall always be in proportion to the original amount of his or her Deposit Note or Notes, and shall be paid to the Treasurer within thirty days next after the publication of such notice; and if any Member shall for the space of thirty days after the publication of such notice, neglect or refuse to pay the sum assessed upon him, her or them, or his, her or their proportion of any loss or damage aforesaid, in such case the Directors may sue for and recover the whole amount of his, her or their Deposit Note or Notes, with costs of suit, and the money thus collected shall remain with the Treasurer of the Company, subject to the payment of such loss or expense as shall or may accrue during the continuance of his, her or their Policy, and the balance, if any, remaining, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which Insurance was made: Provided always, that no payment, assessment or instalment shall be called in on the Premium or Deposit Notes, until all savings, profits or funds arising from or on account of payments made or moneys received on account of the Mutual Branch of Insurance of the said Company shall have been first applied to and expended upon the payment of losses or damage previously accruing therein.

Proceedings
in case of re-
fusal, &c.

If the amount
of all the de-
posit notes be
insufficient to
pay the losses.

XXIII. And be it enacted, That if it shall ever happen that the whole amount of Deposit Notes shall be insufficient to pay the loss occasioned by any one fire or fires, in such case the sufferers insured by the said Company shall receive towards making good their respective losses, a proportionate dividend of the whole amount of such Deposit Notes, according to the sums by them respectively insured; and any Member, upon payment of the whole of his or her Deposit Note, and surrendering his or her Policy,
before

before any subsequent loss or expense has been incurred, shall be discharged from the said Company.

XXIV. And be it enacted, That whenever any assessment is made on any Premium Note given to the said Company for any hazard taken by the said Company, or as consideration for any Policy of Insurance issued or to be issued by the said 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.

Evidence in actions for assessment on premium notes.

XXV. And be it enacted, That when any house or other building shall be alienated by sale or otherwise, the Policy of Mutual Insurance shall be void, and be surrendered to the Directors of the Company to be cancelled, and, upon such surrender, the assured shall be entitled to receive his, or her or their Deposit Note or Notes, upon payment of his, her or their proportion of all losses and expenses that have occurred prior to such surrender; Provided always, that the grantee or alienee having the Policy assigned to him, her or them, may have the same ratified and confirmed to him, her or them, for his, her or their own proper use and benefit, upon application to the Directors, and with their consent, within thirty days after such alienation, on giving proper security, to the satisfaction of the Directors, for such portion of the Deposit or Premium Note as shall remain unpaid, and by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party insured was entitled and subjected under this Act.

Policy cancelled by sale of property assured.

Proviso. Grantee may have the policy continued to him.

XXVI. And be it enacted, That in case any building or buildings, situated upon leased lands, and mutually insured by the Company, be destroyed by fire, in such cases the Company may retain the amount of the Premium Note given for the Insurance thereof until the time for which such Insurance was made shall have expired, and at the expiration thereof, the assured shall have the right to demand and receive such part of the said retained sum or sums as has not been expended in losses or assessments.

As to premium notes on leased property burned.

XXVII. And be it enacted, That five per cent. on each Share of the Proprietary Stock, shall be ready as a deposit at the time of subscribing thereto, to be called for by the Directors in such manner and as soon as they may deem expedient, and the remainder shall be paid in such instalments as the Directors for the time being shall appoint; Provided that no instalment shall exceed ten per cent. upon the Capital Stock, or be called for, or become payable in less than thirty days after public notice shall have been given in one or more of the several newspapers published in every County where Stock may be held, to that effect; and if any Shareholder or Shareholders refuse or neglect to pay

Five per cent to be paid down on proprietary stock.

Proviso: as to instalments.

Forfeiture for non-payment.

to the said Directors the instalment due upon any Share or Shares held by him, her or them, at the time when required by law so to do, such Shareholder or Shareholders, as aforesaid, shall forfeit such Shares, as aforesaid, together with the amount paid by them, and the said Share or Shares so forfeited, it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the amount previously paid thereon, shall be accounted for and divided in like manner as the other moneys of the Proprietary Branch of the said Corporation.

Actions for instalments.

XXVIII. And be it enacted, That if the said Directors shall think it more expedient in any case to enforce the payment of any instalment or instalments of the Proprietary Stock in the said Company, held by any person or persons and called in and unpaid, than to forfeit the same, it shall and may be lawful for the said Company to sue for and recover of and from such person or persons such instalment or instalments as aforesaid, which shall be called in and which shall be unpaid at the time or times when the same shall be due or payable, which said instalments shall be sued for and recovered, with interest thereon, in any action or actions of debt in any Court having jurisdiction in civil cases to the amount; 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 allege that the defendant is the holder of one or more shares (stating the number) in the Stock, and is indebted to the Company in the sum to which the calls in arrear may amount; and in any such action, it shall be sufficient to maintain the same, that the signature of the defendant to some book or paper, by which it shall appear that such defendant subscribed for a share, or a certain number of shares, of the Stock of the said Company, be proved by one witness, whether in the employment of or interested in the Company or not, and that the alleged number of calls in arrear have been made.

Allegations and evidence in such actions.

Assignment of proprietary stock.

XXIX. And be it enacted, That the Proprietary Stock of the said Company shall be assignable and transferable, according to such Rules as the Board of Directors shall make and establish, and no Stockholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt be paid, or security for its being paid be given to the satisfaction of the Directors.

Votes on transferred stock.

XXX. And be it enacted, That no transferable Share or Stock shall enable the transferee to vote until the expiration of thirty days from such transfer.

As to double Insurances.

XXXI. And be it enacted, That if any Insurance on any house or building shall be and subsist in the said Company and in any other office, or from and by any other person or persons, at the same time, the Insurance made in and by the said Company shall be deemed and become void, unless such double Insurance subsist with the consent of the Directors, signified by endorsement on the Policy, signed

signed by the President and countersigned by the Secretary, or otherwise, as directed by the By-laws and Regulations of the Company.

XXXII. And be it enacted, That in all actions, suits and prosecutions in which the said Company may be engaged at any time, the Secretary, or other Officer of the said Company, shall be a competent witness, notwithstanding any interest he may have therein. Officers to be competent witnesses.

XXXIII. And be it enacted, That the said Company shall, when required by either of the three branches of the Legislature, make a full and unreserved statement of the affairs of the Company, of the funds, property and securities, shewing the amount in real estate, in bonds and mortgages, in notes and the securities thereof, in public debt or other stock, and the amount of debt due to and from the said Company, and also a list of the Stockholders and of the Directors of the Company. Statements to the Legislature.

XXXIV. And be it enacted, That this Act shall be deemed a Public Act. Public Act.

XXXV. And be it enacted, That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter or amend this Act. Act may be repealed or amended.

C A P . C X L V .

An Act to remove certain doubts existing as to the true meaning and effect of the sixth Section of the Act passed during the present Session, intituled, *An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.'*

[Assented to 23rd May, 1853.]

WHEREAS doubts have arisen as to the true meaning and effect of the sixth Section of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'* and it is desirable to remove the same: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act*

Preamble.

16 V. c. 70.

Creditors of
Company not
to have any
claim upon
property sold
under the
said Act.

to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby declared and enacted by the authority of the same, That no Creditor of the Niagara Harbour and Dock Company shall, as such Creditor or by reason of any right as such, have or maintain any claim or recourse against any of the property in the said Act referred to, which has been or may be sold under the authority of the said Act, from or after the time of such sale, or against any purchaser thereof; and that nothing in the said Act or in the said sixth Section was intended or shall be construed to give to any such Creditor any such claim or recourse.

C A P . C X L V I .

An Act to incorporate the Montreal Exchange.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS James Law, Theodore Hart, James B. Green-shields, Henry Starnes, Joseph Knapp, Louis Renaud, Robert D. Collis, Ferdinand Macculloch, Wm. Edmondstone, Hugh Allan, A. M. Delisle, Maurice Cuvillier, Thomas B. Anderson, Wm. C. Evans, Ogilvy Moffat, Andrew Shaw, Robert Esdaile, Augustus Heward, Wm. Dow, James Finn, Hew Ramsay, L. H. Holton, David L. Macpherson, John Young, Francis Noad, John Smith, Sydney Jones, David Torrance, H. L. Routh, Damase Masson, R. S. Tylee, Gilbert Scott, Archibald Hume, James Scott, Samuel Benjamin, Henry Thomas, Thomas Ryan, Thos. Kay, J. H. Joseph, Wm. Workman, John Frothingham, Benjamin Holmes, F. R. Starr, Wm. Watson, James Gilmour, Jean Bruneau, D. P. Janes, V. Hudon, Walter Colquhoun, A. Prevost, Alex. Simpson, L. Marchand, T. M. Taylor, John Leeming, Benjamin Hall, Wm. Muir, P. Jodoin, Wm. Lyman, C. J. Cusack, J. B. Smith, J. Mitchell, C. Phillips, J. G. Mackenzie, Henry Chapman, and Henry Holyoake, have by their petition represented that they have become subscribers to, and have associated for the purpose of building or maintaining in the City of Montreal an Exchange, or convenient house, building and place for the meeting of merchants and others engaged in the pursuits of trade and navigation, for the bargaining for, selling and buying of goods and commodities, sale and purchase of Bills of Exchange, and for such other uses and purposes as houses or buildings of Exchange are usually applied to in Great Britain and Ireland or elsewhere, and they, the said Subscribers, are apprehensive that the said objects cannot at all or but imperfectly be attained, unless they are incorporated and subjected to such Rules and Regulations as the nature of such an undertaking may require, and therefore have prayed that for promoting the object of such association, they, the subscribers and their assigns, may be incorporated: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said several persons hereinabove named, subscribers to the said undertaking, their several and respective successors, heirs, executors, curators, administrators and assigns, shall be and are hereby ordained, constituted and declared to be, one body corporate and politic, by the name of the *The Montreal Exchange*, and by that name they and their successors shall and may for ever hereafter have perpetual succession, and shall and may by the same name, be capable in law to sue, be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and of what nature and kind soever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name of *The Montreal Exchange*, shall be in law, capable of purchasing, holding and conveying any estate, real or personal for the use of the said Corporation: Provided the value of such real estate at any one time held by the said Montreal Exchange, (exclusive of the buildings thereon) shall not exceed Ten Thousand Pounds currency, nor shall the Capital of the Company exceed Twenty Thousand Pounds, unless it be increased as hereinafter provided.

Certain persons is incorporated; corporate name and general powers.

Proviso: Amount of real estate and of capital, limited.

II. And be it enacted, That the estate real and personal of the said Montreal Exchange shall be in shares of One Hundred Pounds currency, for each and every share; and such shares as aforesaid shall be and the same are hereby vested in the several Shareholders and in the several persons who shall become new subscribers to the said undertaking, in manner hereinafter enacted, and in their several and respective successors, heirs and executors, curators and administrators and assigns proportionally to the sum which they and each of them now have severally and respectively subscribed, or hereafter shall severally and respectively subscribe and pay into the hands of the Treasurer of the said Montreal Exchange, to be appointed in the manner hereinafter directed; and such proprietors of each of such shares as aforesaid, severally and respectively, shall be entitled to receive from and after the erection of the said Exchange, the entire and nett distribution of one proportional part or share of, and in the profits and advantage that shall or may therefrom arise and accrue, and so in proportion for any greater number of shares which such Proprietors may own.

Shares to be £100 each.

Rights of holders of such shares.

III. And be it enacted, That the stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into land, and at all meetings of the Shareholders

Shares to be personalty.

Each Shareholder to have one vote, and to vote in person.

Proviso.

Transfer of Shares.

Not valid until all calls are paid up, &c.

Evidence of transfer.

Capital may be increased to £30,000.

Owners of new Stock to be Members of the Corporation.

General Meetings of Proprietors.

held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to one vote, and such vote shall be given in person, and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; Provided always, that no person shall be allowed to vote who was not a Shareholder three months previous to such meeting.

IV. And be it enacted, That the shares in the stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule A; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a Member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred shall have been fully paid up and discharged; and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by such officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of such transfer, in all Courts in the Province.

V. And be it enacted, That it shall be lawful for the Members of the said Montreal Exchange and their successors, expressed by a vote of the majority at a meeting of not less than two thirds of the shareholders assembled, to raise and contribute among themselves, or by the admission of new Subscribers in such shares as aforesaid, any further or other sum of money, not exceeding, with the several sums already subscribed, the sum of Thirty Thousand Pounds currency for completing or extending the said Exchange and other works and purposes aforesaid.

VI. And be it enacted, That all and every person or persons who shall be so admitted by the said Corporation as a Subscriber or Subscribers for such further sum, or any part thereof, not less than One Hundred Pounds, as aforesaid, shall thereupon succeed as a constituent Member or constituent Members of the said body politic incorporated by this Act, and as a Proprietor or Proprietors of the said Exchange, in the same manner, to all intents, constructions and purposes, as if he, she, or they had been declared in this Act to be a Member of the said Montreal Exchange.

VII. And be it enacted, That until the said Exchange is completed, the general meetings of the said Proprietors shall be held in such places in the City of Montreal as the said Proprietors, or the major part of them, shall at some general meeting to be held in pursuance of this Act, appoint for the holding of each meeting; that the first annual general meeting of

of the said Proprietors after the completion of the said Exchange shall be held in the said Exchange, in the City of Montreal, on the last Tuesday in the month of February next after the completion of the Exchange, at the hour of one o'clock in the afternoon, and a like annual general meeting shall be held in the said Exchange on the last Tuesday in the month of February in every year afterwards, at the said hour.

VIII. And be it enacted, That at the first annual general meeting of the said Proprietors hereinbefore directed to be held, the Proprietors then assembled together, or the major part of such Proprietors, shall choose seven persons, for the time being Proprietors in such undertaking, which persons so chosen shall be a Committee to manage, direct and carry on the affairs and business of the said Exchange for one year then next following, or until another Committee shall be appointed, and particularly such matters and things as are by this Act directed to be done by such Committee, and as shall from time to time be ordered by such annual or special general meetings as aforesaid, and shall have power to name such Officer or Officers as may be necessary; and at any meeting of the Committee duly held, any four Members of such Committee shall be a *Quorum*, and may exercise the powers of the Committee; Provided always, that the Committee of Management which was chosen at the first meeting of the Subscribers, to erect the said building, shall be a Committee for the purposes aforesaid until the last Tuesday in the month of February next after the passing of this Act, and shall have all the powers vested by this Act in the Committee of Management.

Committee to be chosen at first General Meeting.

Proviso : Present Committee to continue until first annual meeting.

IX. And be it enacted, That the said Committee of Management shall be afterwards chosen at the general meetings of Proprietors to be holden annually as aforesaid; and shall meet as often and at such place in the City of Montreal, to be by them appointed, as occasion may require: Provided always, that such Committee shall, from time to time, make reports of their proceedings to and be subject to the examination and control of the said general meetings of the said Proprietors, and shall pay due obedience to all such orders and directions in and about the premises, as shall from time to time be made by the said Proprietors at any general meeting, such orders and directions not being contrary to the express directions and provisions of this Act or to the laws of this Province.

Committee to be chosen yearly.

Proviso : Committee to be subject to control of General Meetings.

X. And be it enacted, That the failure to hold the said first general meeting or any other meeting, or to elect such Committee of Management, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any special meeting to be called, as the Committee of Management, in conformity with the By-laws of the said Corporation may see fit to appoint, and until such election of a new Committee, those who may be in office for the time being shall be and continue

Failure of meeting not to dissolve the Corporation, &c.

continue in office, and exercise all the rights and powers thereof, until such new election be made, as hereinbefore provided.

Powers of
Committee.

XI. And be it enacted, That the said Committee, for the time being, shall have and be invested with full power and authority to manage, order, oversee and transact all and singular the affairs and business of the said Corporation, and all matters and things whatever, relating to or concerning the same: And they shall also have full power to make such calls of money from the several Shareholders for the time being, as they find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare the said Shares to be forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the Defendant is a holder of one Share or more in the said Stock, (stating the number of Shares) and is indebted to the Corporation 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 Corporation by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness that the Defendant at the time of making such call was a Shareholder in the number of Shares alleged, and that any call sued for was made and notice thereof given in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the said Committee, nor any other matter whatsoever: And the said Committee for the time being shall, on the last Tuesday in the month of February, in every year, at the meeting of the Members of the said Exchange produce and give a full, just and true account in writing of their transactions, receipts and payments respectively, so that the true state of the said Corporation and its affairs may manifestly appear; and shall also make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the Proprietors aforesaid.

Calls and for-
feiture of
Shares on
which they
are not paid.

Actions for
calls: and
what must be
alleged and
proved in such
actions.

Accounts to
be rendered
by the Com-
mittee yearly.

Dividends.

Special Gen-
eral Meetings
how called.

Proviso.

XII. And be it enacted, That it shall and may be lawful for the Committee to convene extraordinary general meetings of the said Proprietors, whenever such meetings shall to them appear necessary, giving at least eight days' notice of such meeting in one of the City newspapers: Provided always, that on a requisition, signed by ten Shareholders, a Special Meeting shall be called by the proper Officers, giving the notice hereby provided for.

Power to
make By-
laws.

XIII. And be it enacted, That the said Committee or any Quorum of such Committee as aforesaid, being assembled at such places and times as shall be so fixed as aforesaid, shall have full power and authority to make, ordain and constitute such

CAP. CXLVII.

An Act to incorporate a Joint Stock Company for the purpose of erecting an Hotel in the City of Hamilton.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS Messrs. Buchanan, Young and Co., Colin C. Ferrie, James Sutherland, George William Burton, Edward Jackson, Alexander Carpenter, Young and Harvey, J. D. Pringler, J. W. and J. C. Watkins, Charles A. Sadlier, D. B. Galbreath, Nehemiah Ford, John and James Turner and others, have by their Petition, represented that it has been proposed to form a Joint Stock Company for the purpose of erecting a Building in the City of Hamilton to be used as an Hotel and for Stores, and that upwards of Eight Thousand Pounds have already been subscribed for that purpose, and have prayed that to enable them to do so, they, with such other persons as may associate with them, may be incorporated; And whereas it is desirable to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said persons, and all other persons who now are or hereafter shall become Stockholders in the said Company, shall be and are hereby ordained, constituted and appointed and declared to be a body corporate and politic, in fact and in name, by the name and style of *The Hamilton Hotel Company*, and by that name shall be capable of suing and being sued, of contracting and being contracted with, and shall have continued succession and a Common Seal, and that they and their successors shall be capable in law of purchasing, having and holding to them and their successors, any real or personal estate for the convenient and proper management of their business, and the erection of the buildings authorized by this Act, and of letting, conveying or otherwise departing therewith, for the benefit and on behalf of the Company, from time to time, as they shall deem necessary and expedient.

Certain persons, &c., incorporated.

Corporate name, and general powers.

Amount of Capital Stock, and of each share.

Books of subscription, &c.

II. And be it enacted, That each Share in the Stock of the Company shall be Twelve Pounds Ten Shillings, and the number of shares shall not exceed two thousand, and that books of subscription shall be opened within two months after the passing of this Act when, where, and by such person or persons, and under such regulations as a majority of the Petitioners shall direct and appoint.

III.

III. And be it enacted, That it shall and may be lawful for any person or persons to subscribe for any number of shares, the amount whereof shall be due and payable to the Company in manner hereinafter mentioned, that is to say; one per centum on each share so subscribed shall be payable at the time of such subscription, and the remainder shall be payable in such instalments as a majority of the Directors shall determine upon: Provided always, that no instalment shall exceed ten per cent. on the Capital Stock, nor be called for, nor become payable in less than thirty days after public notice shall have been given in one newspaper published in the City of Hamilton, and by circular addressed to each Stockholder at his or her or their last known place of residence; and if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay such calls, he, she or they shall, at the option of the Company, forfeit such share or shares so subscribed for with the amount previously paid thereon; and such forfeited share or shares may be sold at public sale by the Directors after such notice as they may direct, and the moneys arising therefrom applied for the purposes of this Act: Provided always, that if the moneys produced by any such sales shall be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid, on demand, to the owner, and no more Shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses: Provided also, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares to be purchased by him, her or them as aforesaid, immediately after the sale, and before any Certificate of the transfer of such shares shall be given.

Shares how to be paid up.

Proviso.

Forfeiture for non-payment of instalment.

Proviso.

Proviso.

IV. And be it enacted, That if payment of such arrears, interest and expenses be made before any shares so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such call had been duly paid; and that in all actions and suits for calls (which the Company are hereby authorized to bring and institute), it shall be sufficient to allege that the Defendant being the owner of such shares is indebted to the Company in such sums as the arrears amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the Defendant was owner of some shares in the said Company, that such calls were in fact made, that notice was given as directed by this Act, and that it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever.

As to payment made before the forfeiture of any Shares.

What only need be alleged and proved in actions for instalments.

V. And be it enacted, That so soon as Nine Thousand Pounds of the said Stock shall have been subscribed as aforesaid, it shall and may be lawful for the Subscribers, or any of them,

First General Meeting, and election of Directors.

them, to call a meeting, giving fifteen days' notice thereof in some Newspaper to be published in Hamilton, of the time and place of such meeting, for the purpose of proceeding to the Election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday in January succeeding such Election, and the Directors so chosen shall, and may immediately after such appointment, commence the business and operations of the Company.

Company empowered to enter into certain agreements, &c.

VI. And be it enacted, That the Corporation hereby created shall have power and authority to make and enter into all such contracts, agreements, deeds and other instruments as may be necessary for acquiring lands for the purpose of a site for an Hotel and conveniences therewith to be used, and for the erection of such Hotel with or without stores or shops thereunder, as they may deem desirable, and to furnish the same, and generally to do all and whatsoever may be requisite in and about the premises, and to enter into and execute all such leases and other agreements for leasing or letting the same as they may think proper or deem most advantageous for the Company; and all deeds, leases, agreements, contracts and other instruments shall be subscribed by the President, or in case of his absence, by two of the Directors and the Secretary.

How executed.

Affairs to be managed by five Directors, &c.

Qualification of Directors.

Election of Directors.

Ballot.

Ties.

Vacancies, how filled.

VII. And be it enacted, That the Stock, property, affairs and concerns of the said Company shall be under the management of five Directors, one of whom shall be elected President by and amongst themselves, which said Directors shall be Stockholders, and the first Directors shall be chosen in manner hereinbefore appointed, and thereafter shall be elected at a General Meeting of the Stockholders to be holden on the first Monday in January in each year, at such place, and in such manner as the majority of the Directors for the time being shall direct and appoint, and the Election shall be held and made by such of the Stockholders as shall attend either in person or by proxy; and such Election shall be made by ballot, and if it shall happen at any such Election, that two or more persons have an equal number of votes, so that a greater number than five shall appear to be elected, then the Stockholders shall proceed to ballot a second time, and determine which of the persons so having an equal number of votes, shall be a Director or Directors so as to complete the number of Directors; and that if any Director shall die, resign, refuse or become incapable to act or cease to be a Director from any other cause, the remaining Directors shall, if they think proper, elect in his place another Stockholder to be a Director until the next Annual Meeting.

Provision in case of failure of any election.

VIII. And be it enacted, That in case it shall happen at any time that an Election of Directors should not be made on the day herein appointed, the said Company shall not on that account be deemed to be dissolved, but it shall and may be lawful

lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the By-laws, Rules and Regulations of the said Company.

IX. And be it enacted, That a majority of the Directors shall have full power and authority to make, prescribe and alter such By-laws, Rules, Regulations, and Ordinances as shall appear to them proper and needful, touching the management and disposition of the Stock, property, estate and effects of the Corporation and the management of its affairs, to declare and cause to be paid and distributed to the respective Shareholders, any dividend or dividends of profits at such times as they may think proper, or add the same to the paid up portion of the Capital Stock, and also to appoint such Officers, Clerks, Servants and Agents at such salaries as they may think proper.

Powers of
Directors.
By-laws.
Officers.
Dividends,
&c.

X. And be it enacted, That it shall be lawful for the Company to borrow and take up at interest any sum of money not exceeding the sum of Ten Thousand Pounds, and to secure the repayment thereof on the land and premises so proposed to be purchased for the purposes of this Act; Provided always, that no such loan shall be effected until it has been sanctioned by a majority of the Stockholders present at a meeting to be duly called for that purpose, by notice in writing, at least three days before such meeting.

Company may
borrow
£10,000.
Proviso.

XI. And be it enacted, That each Shareholder shall be entitled to one vote for each share held by him in the Stock of the Company in his, her, or their own name or names, for at least three months previous to the day of the Election, and that no transfer of any share shall be valid until entered in the Books of the Corporation, according to such form as the Directors may from time to time appoint; and that until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no Stockholder indebted to the Corporation shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the Directors.

One vote for
each share of
Stock.
Transfers of
Stock.
Proviso.

XII. And be it enacted, That this Act shall be held to be a Public Act.

Public Act.

C A P . C X L V I I I .

An Act to incorporate a Company for the erection of an Hotel in the City of Toronto.

[Assented to 23rd May, 1853.]

WHEREAS Duncan Macdonell, Isaac C. Gilmor, John Arnold, P. M. VanKoughnet, James M. Strachan, Thomas Dick, Thomas D. Harris, John Cameron, J. Hillyard Cameron,

Preamble.

Cameron,

Cameron, James Mitchell and John Maulson, Esquires, have by their petition represented, that they are desirous of forming a Company for the erection of an Hotel in the city of Toronto, for the convenience of travellers, and in order to carry the said object into execution, they have prayed for an Act of Incorporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the above named Duncan Macdonell, Isaac C. Gilmor, John Arnold, P. M. Van Koughnet, James M. Strachan, Thomas Dick, Thomas D. Harris, John Cameron, J. Hillyard Cameron, James Mitchell and John Maulson, Esquires, and all such persons as shall hereafter form part of the said Company, their heirs, executors, curators, administrators and assigns, being proprietors of shares in the undertaking hereinafter mentioned, shall be and they are hereby declared to be a Body Politic and Corporate, by the name of "The Toronto Royal Hotel Company," and by the same name they and their successors shall have perpetual succession, with power to sue and be sued, plead and be impleaded, answer and be answered unto in all Courts and places whatsoever, and they may have a Common Seal with power to change and alter the same at pleasure, and by the same name they may lawfully acquire and hold real and personal estate for the use of the said Corporation, and sell, alienate and lease the same as they may deem convenient and useful; but the value of the said real and personal estate shall not exceed the sum of Seventy-five Thousand Pounds current money of this Province.

Certain persons incorporated.

Corporate name and general powers.

Property limited.

Capital £50,000—may be increased.

Shares—£10.

Shares vested in Shareholders, &c.

Transfers of Shares.

II. And be it enacted, That the Capital of the said Company shall be Fifty Thousand Pounds current money aforesaid, divided into five thousand shares of Ten Pounds currency each, with power to increase the said Capital Stock to Seventy-five Thousand Pounds or seven thousand five hundred shares of Ten Pounds currency each, and the said five thousand or seven thousand five hundred shares shall be and are hereby vested in the Shareholders, and their respective heirs, executors, curators, administrators, successors and assigns to their proper use and behoof, proportionately to the sums subscribed and paid by each of the said Shareholders respectively; and the said Shareholders may sell, transfer, lease, give or alienate the shares held by them whenever and so often as they shall think fit, subject to the By-laws of the Company, to be made by the Board of Directors to be appointed as hereinafter provided.

III. And be it enacted, That any Shareholder who shall have subscribed and paid the sum of One Pound per share or more, shall be a Member of the said Company, and as such shall be entitled to have and receive, after the erection of the said building and its dependencies, all the net profits and advantages accruing from any sum of money levied, recovered or received under the authority of this Act, proportionably to the number of shares held by him.

Rights of each Shareholder in profits.

IV. And be it enacted, That any Joint Stock Company or Corporate Body may take shares in the said Company.

Corporations, &c., may take Shares.

V. And be it enacted, That every Shareholder shall, in proportion to the number of shares held by him, pay in the manner by this Act prescribed, his just portion of the sum necessary to carry into execution the said undertaking, proportionably to the number of shares held by him.

Shareholders to pay only their proportion of expenses.

VI. And be it enacted, That payment of the amount of the instalments shall be made at the periods and in the manner fixed and determined by the Board of Directors hereinafter mentioned; but no instalment shall at any time exceed twenty per cent of the amount subscribed, or Forty Shillings currency per share, and an interval of at least three months shall be allowed between each instalment called in under this Act.

Instalments.

Limitation.

VII. And be it enacted, That any Shareholder neglecting to pay any of the instalments called in by the Board of Directors, shall be called upon so to do by a written notice under the hand of the Treasurer, and such notice shall be left at the domicile elected by the Shareholder at the time of subscribing; if the Shareholder shall not have paid in the instalment called in within one month after such notice, he shall forfeit his right in the shares held by him, without its being necessary to obtain a Judgment for that purpose in a Court of Justice; and the said shares shall be sold for the benefit of the said Company in such manner as shall be determined by the Board of Directors, and if the Shareholder so in arrear shall have already paid at the time of such notice one or several instalments, he shall, nevertheless, forfeit his right in the said shares, and the amount paid in shall belong to the Company as an indemnification, without prejudice to any right of action which the Company may have against such Shareholder for the balance due by him on his shares.

Shareholders to pay when called on.

Forfeiture for neglect.

Sale of Shares forfeited.

Rights of Company saved.

VIII. And be it enacted, That immediately after the passing of this Act, any three of the persons above named may open one or more books of subscription for the purposes aforesaid, and so soon as one thousand shares shall have been subscribed in the said books, the said persons shall call a meeting of the Shareholders at the City of Toronto, by public notice inserted twice in a newspaper published in the said City,

Opening Stock Books.

First meeting of Shareholders for election of Directors, &c.

City, for the purpose of electing the Board of Directors of the said Company and Auditors as hereinafter mentioned, and such notice shall state the day, place and hour of the said meeting, and shall be given at least eight days before the day fixed for the holding of such meeting.

Non-liability
of Sharehold-
ers.

IX. And be it enacted, That no Shareholder shall be liable for the payment of any debt or obligation due by the said Company, beyond the amount of the unpaid shares held by him in the said Company.

Election of
Directors and
auditors, &c.

X. And be it enacted, That at the first meeting of the Shareholders called as provided in the foregoing Section, numbered eight, a majority of the Shareholders shall choose by ballot, among the Shareholders who have paid not less than Ten Shillings per Share, holding at least six Shares each, nine persons to form the Board of Directors of the said Company, and two persons to be Auditors, for the year next after the day on which the said election shall have taken place, and not until after such first meeting shall the Company purchase or lease any lands or buildings, or cause to be erected any building or buildings for or on account of the said Company.

No land to be
purchased,
&c., until after
such meeting.

Annual Meet-
ings of Com-
pany.

XI. And be it enacted, That the Annual Meeting for the election of the Board of Directors of the Company and of the Auditors, shall be called in the manner provided by the eighth Section, and shall take place on the same day of the year as the preceding election, except that if such day shall happen to be a Sunday or a statutory holiday, the election shall, in such case, be held on the next day thereafter not being a Sunday or statutory holiday.

Proportion of
votes to
Shares.

XII. And be it enacted, That at all General Meetings of the Shareholders to be held under this Act, all questions submitted to the consideration of the meeting, shall be decided by the majority of votes of the Shareholders who shall be entitled to vote as follows: every Shareholder holding five shares or less shall have one vote for each share held by him; every Shareholder holding not less than six, nor more than eight Shares shall have six votes; every Shareholder holding not less than nine nor more than twelve Shares shall have eight votes; every Shareholder holding not less than thirteen nor more than nineteen Shares shall have ten votes; every Shareholder holding twenty Shares or more shall have twelve votes; and any Shareholder may vote in person or by proxy, being also a Shareholder to be appointed by him for that purpose by a written instrument under his signature.

Proxies.

Who shall
preside at
General Meet-
ings.

XIII. And be it enacted, That all General Meetings (except the first meeting called under this Act, which shall be presided over by the person elected for that occasion by the Shareholders then present in person or by proxy,) shall be presided over by
the

the Chairman of the Board of Directors, or in his absence by such Shareholder as shall be chosen for that purpose by the meeting.

XIV. And be it enacted, That the powers and duties of the Board of Directors shall be :

Powers and duties of Directors.

Firstly—To choose from among the Members of the Board a Chairman, who shall have a casting vote in case of an equal division of votes, at the meetings of the Board.

Chairman.

Secondly—To appoint and employ and remove at pleasure such officer or officers, agent or agents, servant or servants of the said Company as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries of the officers, agents and servants of the said Company, and all the necessary expenditure for the management and working of the Company.

Officers and servants.

Thirdly—To regulate the form of certificates of Shares and the mode of their transfer.

Transfers of Shares.

Fourthly—To choose and acquire for and in the name of the said Company, a convenient site for the construction of an Hotel and its dependencies, to cause the necessary plans and surveys to be made, and enter into the necessary agreements for the construction of the said building and its dependencies.

Site for Hotel, &c.

Fifthly—To order the payment of any sum of money, as they may deem necessary for the purposes of this Act.

Payments.

Sixthly—To contract a loan or loans for and in the name of the said Company, not exceeding in the whole, at any one time, the sum of Thirty Thousand Pounds currency, at a rate of interest not exceeding six per cent. per annum, and to pledge the moveable and immoveable property of the said Company for the payment of the said loans and interest.

Loans.

Seventhly—To determine the amount of the several instalments and the periods at which each Shareholder shall be obliged to pay his instalments, and the amount of the dividends of the profits among all the Shareholders after deducting therefrom the costs and expenses incurred for the purposes of this Act.

Instalments.

Eighthly—To make the necessary By-laws for the government and management of the said Company, provided such By-laws be not contrary to this Act nor to the laws of this Province.

By laws.

Ninthly—To submit to the Annual General Meeting of the Shareholders, a clear and detailed statement of the affairs of the

Statement of affairs.

the

the said Company, certified by the Auditors as having been examined and found correct.

Special and
general Meet-
ings.

Tenthly—To call Special and General Meetings of the Shareholders whenever it shall be necessary, and so often as they shall be required by at least three Shareholders, giving at least fifteen days' notice thereof in newspapers published in the said City of Toronto.

Quorum of
Directors :
temporary
Chairman.

XV. And be it enacted, That the number of Members of the said Board, which shall be sufficient for the legal exercise of the powers and duties herein mentioned, shall be five ; and that in the absence of the Chairman, it shall be in the power of the Members present to elect from among themselves a Chairman for the time being, who, in addition to his own vote as a Member of the Board, shall have a casting vote in case of an equal division of votes at the meeting of the Board at which he shall be chosen to preside.

Vacancies
among Direct-
ors.

XVI. And be it enacted, That in the event of the death or resignation or of the absence for a period of more than six months from the City of Toronto, or of the disqualification of any Member of the Board of Directors, the Shareholders shall, at a meeting held after due notice given in the manner provided by the eighth Section, choose a Shareholder in place of the Member who shall have deceased, resigned, absented himself or become disqualified, and such Shareholder shall form part of the said Board until the then next Annual Election.

Directors to
be re-eligible.

XVII. And be it enacted, That the Members of the Board of Directors going out of office may be re-elected.

Statements to
be furnished
to the Legis-
lature.

XVIII. And be it enacted, That the said Company shall, whenever required so to do by any one of the three Branches of the Legislature, furnish a detailed statement, shewing the real and personal estate held by them, the amount of their debts and the amount of their last dividend, and they shall also furnish a list of the Shareholders and the names of the Members of the Board of Directors of the said Company.

Public Act.

XIX. And be it enacted, That the Interpretation Act shall apply to this Act, which shall be a Public Act.

C A P . C X L X .

An Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and of Three-Rivers, and of Montreal and Saint Hyacinthe.

[Assented to 23rd May, 1853.]

Preamble.

WHEREAS certain Fabriques of the Diocese of Quebec and Three-Rivers are desirous of forming a Mutual Assurance Association, for the purpose of mutual assistance in the case of the destruction by fire of churches, chapels, parsonage

parsonage houses and sacristies to them belonging, and in order to ensure to the said Association a legal existence, have petitioned the Legislature for an Act of Incorporation in favor thereof, and it is expedient to grant the prayer of the said petition, and also to extend the like powers and privileges to the Fabriques of the Dioceses of Montreal and Saint Hyacinthe: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Fabriques of the Roman Catholic parishes of the Dioceses of Quebec and Three-Rivers at present existing, and all other Fabriques of the Parishes to be hereafter erected in either of the said dioceses, which under the provisions of this Act and the By-laws of the said Association shall become members thereof, shall be and they are hereby constituted a Body Politic and Corporate, under the name of "The Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three-Rivers," and the Fabriques of the Roman Catholic Parishes of the Dioceses of Montreal and Saint Hyacinthe at present existing, and all other Fabriques of the Parishes to be hereafter erected in either of the said Dioceses, which under this Act and the By-laws of the said Association shall become members thereof, shall be and they are also constituted a Body Politic and Corporate under the name of "The Mutual Assurance Association of the Fabriques of the Dioceses of Montreal and Saint Hyacinthe," and by such names respectively the said Associations shall have perpetual succession and all other the usual rights and privileges of Corporate Bodies: Provided however, that nothing herein contained shall have the effect of obliging any Fabrique to form part of either of the said Associations.

Fabriques in Dioceses of Quebec and Three-Rivers respectively incorporated for certain purposes.

Corporate name.

Proviso.

II. And be it enacted, That the said Associations shall respectively have power to make such By-laws, Rules and Regulations as they shall deem necessary for the efficient working and good government thereof, and also from time to time to repeal, alter or modify the same: Provided always, that such By-laws, Rules and Regulations shall not be contrary to the laws, customs and usages in force in this Province.

Power to make By-laws, &c.

Proviso.

III. And be it enacted, That it shall not be lawful for the said Associations to effect any insurance or accept any risk upon any buildings other than churches, parsonage-houses, sacristies and other buildings dependent thereon.

May effect Insurances.

IV. And be it enacted, That in case of any loss by fire, each Fabrique shall pay towards covering such loss, in proportion

Proportion to be paid by

each *Fabrique* in case of loss.

only to the amount for which it shall be insured in the Association.

Offices where to be held.

V. And be it enacted, That the said Mutual Assurance Association of the Dioceses of Quebec and Three-Rivers shall hold an office in the city of Quebec, and the said Mutual Assurance Association of the Dioceses of Montreal and Saint Hyacinthe shall hold an office in the city of Montreal: Provided always, that so soon as either of the said Associations respectively shall have selected a place within the said cities respectively for holding their said office, they shall give public notice thereof by an advertisement published four times in the English and French languages in the *Canada Gazette* or other official Gazette or Journal, and should either of the said Associations at any time thereafter determine to remove their office to another part of the said city, they shall publish a similar notice thereof, and the service of any legal or other document at the office of the Association to which such document relates, shall be valid and effectual to all intents and purposes.

Proviso: Notice to be given.

And so in case of removal.

Public Act.

VI. And be it enacted, That this Act shall be a Public Act.

C A P . C L .

An Act to amend an Act passed during the present Session of the Legislature, intituled, *An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie.*

[Assented to 23rd May, 1853.]

Preamble.

16 V. c. 61.

WHEREAS an error hath crept into the sixth section of the Act passed during the present Session of the Legislature, and intituled, *An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie*, inasmuch as certain powers are conferred upon and certain duties required to be performed by the Judge of the Circuit Court, in the District of Three-Rivers, whereas there is no such Judge, and it is important for the parties interested that the said error be corrected: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all the powers conferred by the said Act upon the Judge of the Circuit Court in the District of Three Rivers, and all the duties required to be performed by such Judge, as well under the sixth section of the Act above cited as under any other section of the said Act, shall be exercised and

Powers conferred on Circuit Judge to be exercised by Judge of Superior Court.

and performed by a Judge of the Superior Court for Lower Canada, but in other respects in the manner provided by the said Act.

II. And be it enacted, That this Act shall be deemed a Public Act.

C A P . C L I .

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

[Assented to 14th June, 1853.]

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Fisheries in the District of Gaspé*; the Act of the said Parliament, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers and Rivulets in Upper Canada*, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada'*, and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada*; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath*; the Act of the said

Preamble.

Acts of Canada 4 & 5 V. c. 36.

7 V. c. 36 as amended by 10 & 11 V. c. 20, and

14 & 15 V. c. 123.

8 V. c. 27.

8 V. c. 48.

9 V. c. 38.

- 10 & 11 V.
c. 1. Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered*; the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal*; the Act of the 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 provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief'*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act for the preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland*; the Act of the said Parliament, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves*; the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes*; the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners,*
- 11 V. c. 7.
- L. C. 2G. 4,
c. 8.
- 2G. 4, c. 10.
- 4 G. 4, c. 26.
- 9 G. 4, c. 20.
- 9 G. 4, c. 27.
- 9 G. 4, c. 28.
- 9 G. 4, c. 32.
- 9 G. 4, c. 51.
- 1 W. 4, c. 6.
- 6 W. 4, c. 14.
- 5 W. 4, c. 35,

Mariners, as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned*, and the said last mentioned Act; the Ordinance of the Special Council of the said Province, passed in the third Session of the said Council held in the second year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District*; the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District, and to extend the provisions of the same to the other Districts of this Province'*; and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals*, shall be, and all and every of the said Acts and Ordinances are hereby continued to the First day of January next, and from thence until the end of the then next ensuing Session of the Parliament, and no longer.

as amended by
Act of Cana-
da, 8 V. c. 12.

Ord. Spec.
Council 2
V. c. 7.

Acts of U. C.
11 G. 4, c.
20.

6 W. 4, c. 45.

6 W. 4, c. 29.

The said Acts
continued.

II. And be it enacted, That the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada'*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January next, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Cana-
da 7 V. c. .
10, and

9 V. c. 30,
in so far as
they are con-
tinued for cer-
tain purposes
by 12 V. c.
18.

Act of L. C.
6 W. 4, c. 19,
continued.

III. And be it enacted, That the Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January next, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Acts as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force, so soon as a Tariff of Fees shall have been promulgated in the said Districts respectively, under the provisions of an Act passed in the Session of the Legislature, held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to persons charged with indictable offences*.

Proviso.

14 15 V.
c. 95, s. 26.

Proviso: this Act not to affect any Act repealing, &c. any of the above Acts.

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

Time limited by 12, V. c. 97 for certain things to be done under 9 V. c. 12, or 10 & 11 V. c. 38, continued.

V. And be it enacted, That the period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada'*, or to endorse any deed, conveyance, will or probate to which such memorial relates, shall be and is hereby extended to the said first day of January next, and thence until the end of the then next ensuing Session of the Provincial Parliament.

CAP. CLII.

An Act to enlarge the Representation of the People of this Province in Parliament.

[Assented to 14th June, 1853.]

WHEREAS the increasing population of this Province, and the necessity of providing for its growing wants and the developement of its resources, render it imperative to enlarge the Representation of the People thereof in the Legislative Assembly, and to apportion that representation more fairly, and with this view—to alter the limits of certain Counties and other Electoral divisions—to divide certain Counties into Ridings—to erect certain other Counties—and to adopt other Legislative provisions in the behalf aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the end of this present Provincial Parliament, the Counties, Ridings, Cities and Towns and Unions of Counties hereinafter mentioned, shall be the subdivisions of the Province upon which the Representation of the People thereof shall be based and regulated in the manner hereinafter prescribed, and such subdivisions shall, in so far as they may differ from those now existing for like purposes, be substituted for them as regards Elections of Members of the said Assembly and all Acts, Laws and provisions of Law now in force and thereunto relating and all matters therewith connected: That is to say:

Preamble.

Counties, Ridings, Cities and Towns hereinafter mentioned to be those on which Representation shall be based after the end of the present Parliament.

LOWER CANADA.

1. The County of Gaspé shall be bounded on the south-west by a line commencing at Mackarel point, on the north side and near the mouth of the Bay of Chaleurs, thence running north-west forty-seven miles, thence south sixty-nine degrees west until it strikes a line drawn south-east from Cap-Chat on the River St. Lawrence, on the west by the line last mentioned, and on the north and east by the River and Gulph of St. Lawrence; including in the said County the Island of Bonaventure and all the Islands wholly or in part opposite to the said County and nearest thereto; the said County so bounded comprising the Fiefs and Seigniories of Sainte Anne, Mont-Louis, La Magdeleine, Grande Vallée des Monts and Anse de l'Étang, Grand River and Pabos, and the Townships of Cap-Chat, Sydenham, Fox, Cap-Rosier, Gaspé Bay North, Gaspé Bay South, York, Douglas, Malbaie, Percé and Newport, and the said Islands lying opposite to the said County and nearest to it.

County of Gaspé.

County of
Bonaventure.

2. The County of Bonaventure shall be bounded on the east by the County of Gaspé, on the north partly by the said County of Gaspé and partly by the County of Rimouski, on the prolongation of the same rear line, until it meets the limits of the Province; on the west by the western limits of the Province, and on the South by the Bay of Chaleurs and the southern limits of the Province, and shall comprise that part of the District of Gaspé lying between the County of Gaspé and the District of Quebec, including all the Islands wholly or partly opposite to the said County of Bonaventure and nearest thereto; the said County so bounded comprising the Seigniorship of Shoolbred and the Townships of Port Daniel, Hope, Cox, Hamilton, New Richmond, Maria, Carleton, Nouvelle, Mann, Ristigouche and Matapédia.

County of
Rimouski.

3. The County of Rimouski shall be bounded on the east by the County of Gaspé, on the west by the south-western line of the parish of Saint Simon, prolonged to the limits of the Province, on the south-east by the County of Bonaventure and the southern limits of the Province, and on the north-west by the River Saint Lawrence, including all the Islands in the said River lying nearest to the said County of Rimouski and wholly or partly opposite thereto; the said County so bounded, comprising the Parishes and Settlements of Matane, Metis, Saint Joseph, Sainte Flavie, Sainte Luce, Saint Germain, Bic, Saint Fabien, Saint Simon, the Seigniorships of Lake Metis and of Matapédia, and the Townships of MacNider, Matane, Saint Denis and the augmentation thereof, Cabot, Neigette, Macpés and Duquesne.

County of
Temiscouata.

4. The County of Temiscouata shall be bounded on the north-east by the County of Rimouski as hereinbefore described, on the south-west by the north-eastern lines of the Parishes of Saint André and Saint Alexandre and of the Township of Parke and the prolongation thereof to the Province line, on the south-east by the Province line, on the north-west by the River Saint Lawrence, including Green Island and all the Islands in the said River Saint Lawrence nearest to the said County of Temiscouata, and wholly or partly opposite thereto; the said County so bounded comprising the parishes of Trois-Pistoles, Saint Eloi, Isle Verte, Saint George de Cacouna, Saint Arsène, Saint Patrice de la Rivière-du-Loup, and the Townships of Whitworth, Viger, Bégon, Denonville, Raudot, Demers, Hocquart and the Seigniorship and settlements of Temiscouata.

County of
Kamouraska.

5. The County of Kamouraska shall be bounded on the north-east by the County of Temiscouata, on the south-west by the south-western limits of the Parish of Sainte Anne and of the Township of Ixworth prolonged to the southern limits of the Province, on the north-west by the River Saint Lawrence, including all the Islands in the said River nearest to the said County of Kamouraska and wholly or partly opposite thereto, and on the south-east by the Province line; the said County so bounded comprising the Parishes

Parishes of Saint André, Saint Alexandre, Saint Louis of Kamouraska, Saint Paschal, Sainte Hélène, Saint Denis, Mont Carmel, Saint Pacôme, Rivière-Ouelle and Sainte Anne, and the Townships of Bungay, Parke, Woodbridge and Ixworth.

6. The County of L'Islet shall be bounded on the north-east by the County of Kamouraska, as above described, on the south-west by the south-western limits of the Parishes of L'Islet and Saint Cyrille, of the Township of Lessard and of the Township of Arago, prolonged in a south-eastern direction to the province line, on the south-east by the province line, and on the north-west by the River Saint Lawrence, including all the Islands in the said River nearest to the said County of L'Islet, and wholly or partly opposite thereto, but not including any part of the Islands hereafter annexed to the County of Montmagny; the said County so bounded comprising the Parishes of Saint Roch, Saint Jean, L'Islet, Saint Cyrille and the Townships of Lessard, Fournier, Ashford, Garneau, Casgrain, Lafontaine, Dionne, Arago and Leverrier.

7. The County of Montmagny shall be bounded on the north-east by the County of L'Islet as above described, on the north-west by the River Saint Lawrence, including all the Islands in the said River lying nearest to the said County of Montmagny and wholly or partly opposite thereto, on the south-east by the province line, and on the south-west by the north-western limits of the Parishes of Berthier and Saint François prolonged to the Township of Mailloux, thence by the north-western and south-eastern lines of the said Township of Mailloux until this latter line reaches the limits of the Province; the said County so bounded comprising Grosse-Isle, Isle aux Oies, Crane Island, Isle Sainte Marguerite, and all other Islands in the said River as aforesaid, the parishes of Cap Saint Ignace, Saint Thomas, Saint Pierre, Berthier, Saint François, the Townships of Ashburton, Montmini, Bourdages, Patton and part of the Township of Armagh.

8. The County of Bellechasse shall be bounded on the north-east by the County of Montmagny as above described, on the north-west by the River St. Lawrence, and on the south-west by the south-western limits of the Parishes of Beaumont, Saint Charles, Saint Gervais and Saint Lazare, not including the Township of Buckland but continuing to run on the northern line thereof as far as the Concession line next to the north-east of the Route de Saint Lazare, and thence to the south-east along the said Concession line through the said Township of Buckland to the Township of Standon, thence following the north-western line of Standon and its augmentation by the north-eastern limits of the said augmentation and of the Township of Ware prolonged to the limits of the Province; the said County so bounded comprising the Parishes of St. Vallier, Saint Raphael, Saint Michel, Beaumont, Saint Charles, Saint Gervais, Saint Lazare, part of the Townships of Armagh and Buckland and the Townships of Mailloux, Roux, Bellechasse and Daquam.

County of
Lévis.

9. The County of Lévis shall be bounded on the north-east by the County of Bellechasse as above described, as far as the limits between the Parishes of Saint Henri and Saint Anselme, on the south-east by the north-western limits of the Parishes of Saint Anselme and Saint Isidore as far as the River Chaudière; and on the south-west side of the River Chaudière by such line as will comprise the whole of the Parishes of Saint Lambert and Saint Nicholas, and on the north-west by the River Saint Lawrence; the said County so bounded comprising the Parishes of Saint Joseph of Pointe Lévy, Notre-Dame de la Victoire, Saint Jean Chrysostôme, Saint Henri, Saint Nicholas and Saint Lambert.

County of
Dorchester.

10. The County of Dorchester shall be bounded on the north-east by the County of Bellechasse as above described, on the south-east by the province line until it meets the sources of the River Metgermette, on the south by the said River Metgermette as far as the Township of Linière, on the north-west by the north-eastern and northern line of the said Township of Linière, the south-western line of the Townships of Watford, Cranbourne and Frampton, the south-eastern limits of the Parish of Sainte Marguerite, and of the Parish of Sainte Hémédine, the south-western limits of the said Parish of Sainte Hémédine, the south-eastern and south-western limits of the Parish of Saint Isidore as far as the River Chaudière, and on the south-west of the said River Chaudière by the south-eastern, south-western and north-western limits of the parish of St. Bernard, and on the north-west by the said County of Lévis as above described; the said County so bounded comprising the Parishes of Saint Anselme, Saint Isidore, Sainte Claire, Sainte Marguerite, Saint Bernard, Sainte Hémédine, part of the Townships of Buckland and Metgermette, and the Townships of Frampton, Standon and its augmentation, Cranbourne, Ware and Watford.

County of
Beauce.

11. The County of Beauce shall be bounded on the north-east by the County of Dorchester, on the east by the province line, on the west by the limits of the District of Quebec as far as the Township of Colraine, and on the north-west by the southern limits of the Townships of Colraine, Thetford and Broughton, again on the south-west by the south-eastern limits of the Township of Broughton and of the Parish of Saint Sylvestre, as far as the County of Dorchester, and on the north-east by the said County of Dorchester; the said County so bounded comprising the Parishes of Saint Elzéar, Sainte Marie, Saint Joseph, Saint Frederick, Saint François, Saint George, the Seigniorie of Aubin-Delisle, part of the Townships of Metgermette and Clinton, the Kennebec Road Settlements, and the Townships of Jersey, Linière, Marlow, Rixborough, Spaulding, Ditchfield, Woburn, Gayhurst, Dorset, Shenley, Aylmer, Price, Lambton, Forsyth, Adstock and Tring.

County of
Megantic.

12. The County of Megantic shall be bounded on the north-east and south-east by the County of Beauce, on the south-west by the limits of the District of Quebec, on the north-west by the south-eastern

eastern line of the augmentation of the Seigniories of Deschaillons and Lotbinière, the south-western and south-eastern limits of the seignior of Sainte Croix, and south-eastern and south-western limits of the parish of Saint Sylvestre as far as the County of Beauce; the said County so bounded comprising the Townships of Inverness, Nelson, Somerset and its augmentation, Halifax, Leeds, Broughton, Thetford, Ireland and Colrairie.

13. The County of Lotbinière shall be bounded on the north-west by the River Saint Lawrence, on the south-west by the limits of the District of Quebec, on the south-east by the County of Megantic as above described, and on the north-east by the Counties of Lévis, Dorchester and Beauce, as above described; the said County so bounded comprising the Parishes of Saint Sylvestre, Sainte Agathe, Saint Giles, Saint Antoine, Saint Flavien, Sainte Croix, Lotbinière, Saint Jean Deschaillons and all the remainder of the augmentations of the Seigniories of Deschaillons and Lotbinière, and of that part of the Seignior of Sainte Croix which is not included in the above mentioned parishes.

14. The County of Chicoutimi shall be bounded on the west by the County of Portneuf as hereinafter described, on the south by the parallel of the forty-eighth degree of north latitude, as far as the prolongation of the eastern line of the Township of Saint Johns on the Saguenay, thence on the east by the said prolongation and the said line to the River Saguenay, and crossing the River Saguenay, by the prolongation of the said eastern line to the River Sainte Marguerite, on the north-east by a line to be drawn from the above point on the River Sainte Marguerite due north to the limits of the Province, on the north by the limits of the Province; the said County so bounded comprising the Townships and Settlements of Saint Johns, La Trinité, Harvey, Simard, Tremblay, Bagot, Chicoutimi, Laterrière, Simon, Jonquière, Kinogomi, Labarre, Metabetchouan, Signay, Mésy, Caron, Charlevoix, Bourgette, Taché and Delisle.

15. The County of Tadoussac shall be bounded on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite thereto on the south by the parallel of the forty-eighth degree of north latitude to the County of Chicoutimi as above described, on the north-west and west by the said County of Chicoutimi, and on the north and north-east by the limits of the Province; the said County so bounded comprising the Townships and settlements of Saguenay, Tadoussac, Little Saguenay, Sainte Marguerite, Bergeronnes, Escoumins, Iberville, Laval, Latour, Betsiamites, the Seignior of Mille Vaches or Portneuf, the *Terra Firma* of Mingan, the Islets of Mingan, the Island and Seignior of Anticosti, the settlements and posts of Manicouagan, Betsiamites, Godbout, Saint Pancras, Pointe des Monts, Saint Paul, the Seven Islands, the Jeremie Islands, and all the other tracts of land comprised within the limits aforesaid.

County of
Saguenay.

16. The County of Saguenay shall be bounded on the north-west by a line to be drawn from Cap de l'Abattis on the River Saint Lawrence towards the north-west and parallel to the north-eastern line of the Seigniorship of Beauport, to the County of Chicoutimi as above described, on the north by the Counties of Chicoutimi and Tadoussac as above described, on the south-east by the River Saint Lawrence ; the said County so bounded comprising the Parishes of Little River, Baie Saint Paul, Saint Urbain, Eboulements, Saint Irénée, Malbaie, Sainte Agnès, Saint Fidèle, the Townships of Settrington, De Sales, and Callières, Isle-aux-Coudres, Hare Island, and all the other tracts of land comprised within the above limits, and all Islands in the River Saint Lawrence nearest to the said County and wholly or partly opposite thereto.

County of
Montmorency.

17. The County of Montmorency shall be bounded on the west by the County of Quebec, as hereinafter described, on the north by the parallel of the forty-eighth degree of north latitude, on the east by the County of Saguenay, on the south-east by the River Saint Lawrence, including the Island of Orleans and all the Islands nearest to the County of Montmorency, and wholly or partly opposite thereto ; the said County so bounded comprising the Parishes of Saint Pierre, Saint Jean, Sainte Famille, Saint Laurent and Saint François, Isle Madame, and Isle-aux-Reaux, and the Parishes of Saint Féréol, Saint Joachim, Sainte Anne, Chateau Richer, Laval and Ange Gardien.

County of
Quebec.

18. The County of Quebec shall be bounded on the south-west by the western limits of the Parishes of Sainte-Foye, l'Ancienne Lorette and Saint Ambroise, and of the Seigniorship of Saint Gabriel and the prolongation thereof as far as the County of Chicoutimi as above described, on the south-east by the River Saint Lawrence, on the north-east by the south-western line of the Seigniorship of La Côte de Beaupré until it meets the south-eastern line of the Township of Tewkesbury, thence towards the north-east by the said south-eastern line as far as the eastern corner of the said Township, thence by the north-eastern line of the said Township to the rear thereof and by the prolongation of the said north-eastern line, on the north by the County of Chicoutimi as above described, excepting therefrom the City of Quebec within its present extent and limits, and excepting also the Parishes of Notre-Dame of Québec and Saint Roch of Québec ; the said County so bounded comprising the Parishes and Settlements of Beauport, Saint Edmond, Saint Gabriel, Saint Ambroise, Charlesbourg, Sainte-Foye and l'Ancienne Lorette, the Townships of Stoneham and Tewkesbury, Fief Hubert, and all other tracts of land included in the above limits.

City of
Quebec.

19. The City of Quebec shall for the purposes of this Act comprise the present limits thereof including the Parishes of Notre Dame of Québec and of Saint Roch of Québec.

20. The County of Portneuf shall be bounded on the north-east by the County of Quebec as above described and the prolongation of the south-western line thereof to the limits of the Province, on the south-east by the River Saint Lawrence, on the north-west by the limits of the Province, and on the south-west by the limits of the District of Quebec ; the said County so bounded comprising the Parishes of Saint Casimir, Grondines, Deschambault, Cap-Santé, Saint Basile, Saint Raymond, Sainte Catherine, Ecureuils, Pointeaux-Trembles, Saint Augustin, Saint Alban, and the Townships of Gosford, Alton, Roquemont, Colbert and Montauban.

County of
Portneuf.

21. The County of Champlain shall be bounded on the south-west by the River Saint Maurice until it meets the south-western line of the Seigniorship of Cap de la Magdeleine, and thence by the said line prolonged to the limits of the Province, on the north-west by the limits of the Province, on the south-east by the River Saint Lawrence, on the north-east by the County of Portneuf as above described ; the said County so bounded comprising the Parishes of Sainte Anne, Batiscan, Sainte Geneviève de Batiscan, Champlain, Cap de la Magdeleine, Saint Maurice, Saint Stanislas, Saint Justin, Saint Prosper, Saint Narcisse, and the Township of Radnor.

County of
Champlain.

22. The Town of Three-Rivers shall comprehend the Town of Three-Rivers within its present limits and the Banlieue of Three-Rivers.

Town of
Three-Rivers.

23. The County of Saint Maurice shall be bounded on the north-east by the Town of Three-Rivers as hereinbefore constituted and by the County of Champlain, on the south-east by the River Saint Lawrence, on the north-west by the limits of the Province, on the south-west by the south-western limits of the Parishes of Yamachiche, Saint Sévère, Saint Barnabé and the Township of Caxton, prolonged to the limits of the Province ; the said County so bounded comprising the Parish of Three-Rivers without the Banlieue, Fief Saint Etienne, the Forges, the Parishes of Pointe-du-Lac, Yamachiche, Saint Sévère, Saint Barnabé, and the Townships of Caxton and Shawinigan, and the augmentation of Caxton.

County of St.
Maurice.

24. The County of Maskinongé shall be bounded on the north-east by the County of Saint Maurice as above described, on the south-west by the limits of the District of Three-Rivers, on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or partly opposite thereto, on the north-west by the limits of the Province ; the said County so bounded comprising the Parishes of Maskinongé, Rivière-du-Loup, Saint Léon, Saint Paulin, Sainte Ursule, Saint Didace and the Township of Hunterstown, and the Gore thereof.

County of
Maskinongé.

25. The County of Nicolet shall be bounded on the north-east by the limits of the Districts of Quebec and Three-Rivers, up to the distance of two miles into the Township of Blandford, thence on

County of
Nicolet.

on

on the south-east by a perpendicular line drawn across the Township of Blandford, and thence by the south-western line thereof to the limits of the Seigniories, and by the limits between the Seigniories and the Townships as far as the north-eastern line of the Parish of Saint Célestin, comprising in the said County of Nicolet all that part of the said Parish of Saint Célestin which is in the Township of Aston and the augmentation and the Gore thereof, thence by the south-eastern line of the augmentation of the Seigniorship of Nicolet, on the south-west by the south-western limits of the Seigniorship of Nicolet and augmentation, on the north-west by the River Saint Lawrence ; the said County so bounded comprising the Parishes of Saint Pierre, Gentilly, Sainte Gertrude, (excepting the Township of Maddington,) Bécancour, Saint Grégoire, Nicolet, Sainte Monique, part of the Township of Blandford and the Parish of Saint Célestin.

County of
Yamaska.

26. The County of Yamaska shall be bounded on the north-east by the County of Nicolet as above described, on the north-west by the River Saint Lawrence, on the south-west by the limits of the Districts of Three-Rivers and Montreal, on the south-east by the north-western limits of the Township of Wendover, the River Saint Francis and the north-western limits of the Township of Upton ; the said County so bounded comprising the Abenaki Settlement, and the Parishes of Saint David, Saint Michel, Saint François, La Baie and Saint Zéphirin, the Seigniories of Pierreville and Bourgmarie Est, and the augmentation of the Township of Wendover.

County of
Berthier.

27. The County of Berthier shall be bounded on the south-east by the River Saint Lawrence, including Isle Saint Ignace, Isle du Pads, and all Islands nearest to the said County and wholly or in part opposite thereto, on the north-east by the County of Maskinongé, on the south-west by the south-western limits of the Parish of Lavaltrie, the north-western limits of the said Parish of Lavaltrie and of the Parishes of Lanoraie, Saint Norbert and Berthier, the north-western limits of the Parish of Saint Cuthbert prolonged to the Township of Brandon, and by the south-western line of the said Township of Brandon prolonged to the limits of the Province, on the north-west by the limits of the Province ; the said County so bounded comprising the Parishes and Settlements of Isle Saint Ignace, Isle du Pads, Berthier, Lanoraie, Lavaltrie, Saint Norbert, Saint Cuthbert, Saint Barthélemi, Saint Gabriel and the Township of Brandon.

County of
Joliette.

28. The County of Joliette shall be bounded on the south-east and the north-east by the County of Berthier as above described, on the north-west by the limits of the Province, on the south-west by the south-western limits of the Seigniorship of Lavaltrie prolonged to the limits of the Province ; the said County so bounded comprising the Parishes of Saint Charles Borromée, Saint Paul, Saint Félix, except that part thereof which is in the Township of Brandon, Saint Thomas, Sainte Elizabeth, Sainte Mélanie, Saint
Ambroise,

Ambroise, Saint Alphonse, comprehending also the whole of the Township of Kildare and augmentation and the Township of Cathcart.

29. The County of Montcalm shall be bounded on the north-east by the Counties of Berthier and Joliette, as above described, on the south-east by the north-western limits of the Parishes of L'Assomption, Saint Roch and Saint Lin, and of the Seigniori of Terrebonne, to the south-western line of the Township of Kilkenny, on the south-west by the south-western line of the Township of Kilkenny prolonged to the limits of the Province, on the north-west by the limits of the Province; the said County so bounded comprising the Parishes of Saint Jacques, Saint Alexis, Saint Esprit, Saint Lignori, and the Townships of Rawdon, Chertsey, Kilkenny, Wexford, Chilton, Doncaster and Carrick.

County of
Montcalm.

30. The County of L'Assomption shall be bounded on the north-east by the Counties of Berthier and Joliette as above described, on the south-east by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite the same, on the south-west by the south-western limits of the Parishes of Lachenaie, Saint Henri de Mascouche and Saint Lin, on the north-west by the County of Montcalm as above described; the said County so bounded comprising the Parishes of Saint Sulpice including Isle Bouchard, Repentigny, L'Assomption, Saint Roch, Lachenaie, Saint Henri and Saint Lin.

County of
L'Assomp-
tion.

31. The County of Terrebonne shall be bounded on the south-east by the northern branch of the Ottawa River, including all Islands in the said River nearest to the said County and wholly or in part opposite the same, on the north-east by the Counties of L'Assomption and Montcalm as above described, on the north-west by the north-western limits of the Parishes of Sainte Thérèse and Saint Janvier, and of that part of the Parish of Saint Jérôme which is in the continuation of the Seigniori of Mille Isles, as far as the cordon between the Côte de la Rivière à Gagnon and the Côte Saint Joseph, then following the said line or cordon to that part of the continuation of Mille Isles called the Seigniori Dumont, thence along the division line between the Seigniories Dumont and Bellefeuille, thence along the south-eastern line of the Township of Morin to the line between numbers twenty-six and twenty-five thereof, thence along the line between the said numbers to the Township of Howard, thence along the eastern line of the Township of Howard, the southern and the western line of the Township of Beresford, and the prolongation of this latter line to the County of Montcalm; the said County, so bounded, comprising the Parishes of Terrebonne, Sainte Thérèse, Sainte Anne, Saint Janvier, Lacorne, part of the Parish of Saint Jérôme, the Townships of Abercrombie and Beresford, and part of the Township of Morin.

County of
Terrebonne.

County of
Two-Moun-
tains.

32. The County of Two-Mountains shall be bounded on the east by the County of Terrebonne as above described, on the south by the River Ottawa and the Lake of the Two-Mountains, including all Islands nearest to the said county and wholly or in part opposite thereto, on the west by the western limits of the Parishes of Saint Benoit, Sainte Scholastique and Saint Columban and the northern limits of the Township of Gore, thence by the eastern limits of the Townships of Wentworth and Howard, to the County of Terrebonne as above described; the said County so bounded comprising the Parishes of Saint Eustache, Saint Augustin, Saint Benoit, Sainte Scholastique, Saint Columban, the Mission of the Lake of Two-Mountains, that part of the Parish of Saint Jérôme which is in the Seigniorship of Two-Mountains, that part of the same Parish of Saint Jérôme which comprises the Côte Saint Joseph, Saint Eustache, Sainte Marguerite, Sainte Angelique, and part of the Township of Morin.

County of
Argenteuil.

33. The County of Argenteuil shall be bounded on the east by the County of Two-Mountains as above described, and the northern portion of the County of Terrebonne as above described, on the north-east by the northern portion of the County of Montcalm as above described, on the south by the River Ottawa and the Lake of the Two-Mountains including all Islands nearest to the said County and wholly or in part opposite thereto, on the west by the eastern limits of the Seigniorship of Petite Nation and the prolongation thereof to the County of Montcalm; the said County so bounded comprising the Parishes of Sainte Placide, Saint Hermas, Saint Andrews, Saint Jérusalem, and the Townships of Chatham, Wentworth, Grenville and Augmentation, Harrington, Gore, Howard, Arundel, Montcalm, Wolfe, Salaberry and Grandisson.

County of
Ottawa.

34. The County of Ottawa shall be bounded on the east by the County of Argenteuil, on the north-east by the northern portion of the County of Montcalm, on the south-east by the Grand or Ottawa River comprising all Islands in the same opposite to the County and belonging to Lower Canada, on the south-west by the south-western limits of the Township of Eardly prolonged to the County of Montcalm; the said County so bounded comprising the Seigniorship of Petite Nation, the Townships of Lochaber and its augmentation, Buckingham, Templeton, Hull, Eardley, Masham, Wakefield, Portland, Derry, Rippon, Denholm, Low, Aylwin, Hincks, Bowman, Villeneuve, Lathbury, Hartwell, Suffolk, Ponsonby, Amherst, Addington, Preston, Bidwell, Wells, Bigelow, Wright, Northfield, Blake, McGill, Killaly, Dudley, Chabot, Bouchette, Cameron, Maniwaky, Kensington, Egan, Aumond, Bouthillier, Kiamica, Merritt and Campbell.

County of
Pontiac.

35. The County of Pontiac shall be bounded on the north-east by the County of Ottawa as above described, and on the south, west and north by the Grand or Ottawa River to the head of Lake Temiscaming and a line thence drawn due north to the limits of the Province, by the said limits of the Province, and by the
County

County of Montcalm, comprising the Grand Calumet, Alouettes and little Alouettes Islands, and all other islands in the said River opposite to the said County and belonging to Lower Canada; the said County so bounded comprising the Islands as aforesaid, and the Townships of Onslow, Bristol, Clarendon, Litchfield, Thorne, Aldfield, Mansfield, Waltham, Chichester, Sheen, Esher, Aberdeen, Hastings, Aberford, Kirkaby, Labouchère, Gladstone, Graham, Cawood, Leslie, Stanhope, Clapham, Huddersfield, and Pontefract.

36. The County of Drummond shall be bounded on the north-west by the Counties of Nicolet and Yamaska as above described, on the north-east by the north-eastern limits of the Townships of Wendover, Simpson and Kingsey, on the south-west by the north-western line of the Township of Upton to the line between the eighth and ninth range thereof, thence along the said line and along the north-eastern line of the said Township of Upton and of the Township of Acton and the south-western line of the Township of Durham, on the south-east by the south-eastern limits of the Townships of Durham and Kingsey; the said County so bounded comprising part of the Township of Upton, and the Gore thereof, and the Townships of Durham, Grantham, Wendover, Simpson, Wickham and Kingsey.

County of
Drummond.

37. The County of Arthabaska shall be bounded on the north-west by the Counties of Drummond and Nicolet as above described, on the north-east by the Counties of Lotbinière and of Megantic as above described, on the south-west by the County of Drummond as above described and the south-western limits of the Township of Tingwick, and on the south-east by the south-eastern limits of the Townships of Tingwick and Chester; the said County so bounded comprising the Township of Maddington, part of Blandford, the Townships of Warwick, Horton, Stanfold, Arthabaska, Bulstrode and Augmentation, Chester and Tingwick, and that part of the Township of Aston and its augmentation and Gore which is not included in the County of Nicolet as above described.

County of
Arthabaska.

38. The County of Sherbrooke shall be bounded on the north-west by the County of Drummond as above described, on the north-east by the north-eastern limits of the Townships of Shipton, Windsor and Stoke, on the south-east and south towards the River Saint Francis by the south-eastern and southern boundary of Stoke, and thence by the southern and western limits of the Township of Brompton, thence by the south-western limits of the Township of Melbourne; the said County so bounded comprising the Townships of Melbourne, Brompton and the Gore thereof, Shipton, Windsor and Stoke.

County of
Sherbrooke.

39. The County of Wolfe shall be bounded on the north-east by the Counties of Megantic and Beauce as above described, on the south-west by the County of Sherbrooke as above described, and the north-eastern limits of the Township of Westbury, on the north-west

County of
Wolfe.

north-west by the Counties of Megantic, Arthabaska and Sherbrooke as above described, and on the south-east by the south-eastern limits of the Townships of Dudswell, Weedon and Stratford; the said County so bounded comprising the Townships of Wolfestown, Ham, South Ham or augmentation of Ham, Wotton, Garthby, Stratford, Weedon and Dudswell.

Town of
Sherbrooke.

40. The Town of Sherbrooke shall, for the purposes of this Act, comprise the Town of Sherbrooke within its present limits, and the whole of the Townships of Orford and Ascot.

County of
Compton.

41. The County of Compton shall be bounded on the east by the County of Beauce as above described, on the south-east by the limits of the Province, on the north-west by the Counties of Wolfe and Sherbrooke and the Town of Sherbrooke as above described, and on the south-west by the western and southern limits of the Township of Compton, the southern limits of the Township of Clifton and the western limits of the Township of Hereford; the said County so bounded comprising the Townships of Compton, Westbury, Eaton, Clifton, Hereford, Bury, Newport, Auckland, Lingwick, Hampden, Ditton, Winslow, Whitton, Marston, Chesham and part of the Township of Clinton.

County of
Stanstead.

42. The County of Stanstead shall comprise the Townships of Stanstead, Barnston, Hatley, Earford, and Magog East and West.

County of
Shefford.

43. The County of Shefford shall comprise the Townships of Milton, Roxton, Ely, Granby, Shefford and Stukely.

County of
Missisquoi.

44. The County of Missisquoi, which for the purposes of this Act shall be divided into two Ridings, shall be bounded on the north and east by the Counties of Shefford and Stanstead as above described, on the south-east by the limits of the Province, on the south-west by the western limits of the Parishes of St. Thomas and Clarenceville on the River Richelieu, the north western limits of the said Parish of Clarenceville, the south-western limits of the Township of Stanbridge, including also that part of Notre Dame des Anges which is in the Seigniories, and the north-eastern limits of the Augmentation of the Seigniorie of Monnoir, thence on the north by the southern limits of the Seigniorie of St. Hyacinthe, and thence by the prolongation of the rear line of the said Seigniorie of Saint Hyacinthe to the southern corner of the County of Shefford.

East Riding.

The East Riding of the said County of Missisquoi shall comprise the Townships of Bolton, Potton, Sutton, Brome and that part of the Township of Farnham which is the east of the prolongation of the rear line of the Seigniorie of Saint Hyacinthe.

West Riding.

The West Riding of the said County of Missisquoi shall comprise the Parishes of Saint Thomas and Clarenceville, Saint Armand,

Armand East and West, Notre Dame des Anges, the Village of Philipsburgh and the Townships of Dunham and Stanbridge, and the Western part of the Township of Farnham.

45. The County of Richelieu shall be bounded on the north-east by the County of Yamaska as above described, on the south-east by the south-eastern limits of the parishes of Saint Aimé and Saint Ours, on the south-west by the south-western limits of the said parish of Saint Ours, and on the north-west by the River St. Lawrence, including all Islands in the said River nearest to the said County of Richelieu, and wholly or in part opposite thereto, except such as are hereinbefore annexed to the County of Berthier; the said County so bounded comprising the Town of William Henry and the parishes of Sorel, Sainte Victoire, Saint Aimé and Saint Ours.

County of
Richelieu.

46. The County of Saint Hyacinthe shall be bounded on the north-east by the north-eastern limits of the Parishes of Saint Denis, La Présentation, Saint Barnabé, Saint Jude and Saint Hyacinthe, on the south-east by the south-eastern limits of the Parishes of Saint Hyacinthe and Saint Damase, on the south-west by the south-western limits of the Parishes of Saint Damase and Saint Charles, on the north-west by the River Richelieu including all Islands in the said River Richelieu nearest to and lying wholly or in part opposite the said County; the said County so bounded comprising the Town of Saint Hyacinthe, and the Parishes of Saint Hyacinthe, Saint Damase, La Présentation, Saint Barnabé, Saint Jude, St Charles and Saint Denis.

County of
St. Hyacinthe.

47. The County of Rouville shall be bounded on the north-east by the County of Saint Hyacinthe as above described as far as the northern angle of the Parish of Saint Césaire, thence by the north-eastern limits of the Parishes of Saint Césaire and Saint Paul of Abbotsford, on the south-east by the Counties of Shefford, and Missisquoi as above described and by the southern limits of the Parishes of L'Ange Gardien, Saint Césaire, Sainte Marie and Saint Mathias, on the south-west and on the north-west by the River Richelieu, including all Islands in the said River nearest to or lying wholly or in part opposite the said County; which said County so bounded shall comprise the Parishes of Saint Mathias, Sainte Marie, Saint Hilaire, Saint Jean Baptiste, Saint Césaire, l'Ange Gardien and Saint Paul of Abbotsford.

County of
Rouville.

48. The County of Bagot shall be bounded on the north-east by the County of Drummond as above described, on the south-east by the County of Shefford as above described, on the south-west by the County of Rouville as above described, and on the north-west by the County of Saint Hyacinthe as above described; which said County so bounded shall comprise part of the Township of Upton, the Township of Acton and the Parishes of Saint Hugues, Saint Simon, Sainte Rosalie, Saint Dominique and Saint Pie.

County of
Bagot.

County of
Iberville.

49. The County of Iberville shall be bounded on the north-west by the County of Rouville as above described, on the north-east and south-east by the County of Missisquoi as above described, on the south-west by the River Richelieu, including all Islands in the said River nearest to or lying wholly or in part opposite the said County; which said County so bounded shall comprise the Parishes of St. George de Henryville, Saint Alexandre, Saint Athanase, Saint Grégoire and Sainte Brigitte.

County of
Verchères.

50. The County of Verchères shall be bounded on the north-east by the County of Richelieu as above described, on the north-west by the River Saint Lawrence, on the south-east by the River Richelieu, and on the south-west by the south-eastern limits of the Parishes of Chambly, Saint Bruno and Boucherville, including all Islands in the said Rivers Saint Lawrence and Richelieu nearest to the said County and wholly or in part opposite to the same; the said County so bounded comprising the Parishes of Varennes, Verchères, Contrecoeur, Belœil, Saint Marc, Saint Antoine and Sainte Julie.

County of
Chambly.

51. The County of Chambly shall be bounded on the north-east by the County of Verchères as above described, on the south-east by the River Richelieu, on the north-west by the River Saint Lawrence, on the south-west by the south-western limits of the Parishes of Chambly and Longueuil, including all Islands in the said Rivers Saint Lawrence and Richelieu nearest to the said County and wholly or in part opposite to the same; the said County so bounded comprising the Parishes of Boucherville, Longueuil, St. Bruno and Chambly.

County of
Laprairie.

52. The County of Laprairie shall comprise the Parishes of Laprairie, Saint Philippe, Saint Jacques le Mineur, Saint Isidore and Saint Constant, including the whole of the Indian Lands of Sault Saint Louis, and all Islands in the River Saint Lawrence nearest to and lying wholly or in part opposite to the said county.

County of
St. John's.

53. The County of St. John's shall comprise the Parishes of Saint Luc, Blairfindie, Saint Jean, Saint Valentin and Lacolle, including all Islands in the River Richelieu lying nearest to and wholly or in part opposite to the same.

County of
Napierville.

54. The County of Napierville shall comprise the Township of Sherrington and the Parishes of Saint Cyprien, Saint Edouard and Saint Rémi.

County of
Chateaugai.

55. The County of Chateaugai shall be bounded on the north-east by the Counties of Laprairie and St. John's, and on the south-east by the north-western limits of the Township of Hemmingford, on the south-west by the south-western limits of the Seigniorship of Beauharnois, on the north-west by the south-eastern limits of the Parishes of Saint Louis, Saint Timothée and Saint Clément, and again to the south-west by the south-eastern limits of the Seigniorship of

of Beauharnois, again on the north-west by the River Saint Lawrence, including all Islands lying nearest to and wholly or in part opposite to the same ; which said County so bounded shall comprise the Parish of Sainte Philomène and Chateaugai, the Settlements and Parishes of Russelltown, Saint Jean Chrysostôme, Sainte Martine, Saint Urbain, Saint Malachie, and the remainder of the Seigniorship of Beauharnois with the exception of the Parishes of Saint Clément, Saint Louis and Saint Timothée.

56. The County of Beauharnois shall be bounded on the north-east and south-east by the County of Chateaugai, on the south-west by the south-western limits of the Seigniorship of Beauharnois, on the north-west by the River St. Lawrence, including all Islands nearest to and wholly or in part opposite the said County ; which said County so bounded shall comprise the Parishes of Saint Clément, Saint Louis de Gonzague and Saint Timothée.

County of
Beauharnois.

57. The County of Huntingdon shall be bounded on the south-east by the Province line, on the north-east by the Counties of Saint John's and Napierville, on the north-west and north-east by the County of Chateaugai, on the north-east again by the County of Beauharnois, and on the north-west again by the River Saint Lawrence, including all Islands nearest to the said County and wholly or in part opposite to the same ; the said County so bounded comprising the Indian Lands of Saint Regis, the Village of Huntingdon, and the Townships of Godmanchester, Elgin, Dundee, Hinchinbrooke and Hemmingford.

County of
Huntingdon.

58. The County of Soulanges shall comprise the Seigniorships of Soulanges and New Longueuil, and the fifth, sixth, seventh and eighth ranges of the Township of Newton and augmentation adjacent.

County of
Soulanges.

59. The County of Vaudreuil shall comprise Isle Perrot, the Seigniorships of Vaudreuil and Rigaud, and the first, second, third and fourth ranges of the Township of Newton and augmentation adjacent.

County of
Vaudreuil.

60. The County of Laval shall comprise Isle Jésus and Isle Bizarre, and all Islands lying nearest to or wholly or in part opposite to the same.

County of
Laval.

61. The County of Montreal, which for the purposes of this Act shall be divided into two Ridings, shall comprise the Island of Montreal, with the exception of the City of Montreal, and all Islands lying nearest to and wholly or in part opposite to the same, and which shall respectively be attached to the Ridings to which they are nearest.

County of
Montreal.

The Hochelaga Riding of the said County of Montreal shall comprise the Parish of Montreal without the City, and the Parishes of Longue Pointe, Pointe aux Trembles, Rivière des Prairies and Sault au Recollet.

East Riding.

The

West Riding. The Jacques Cartier Riding of the said County of Montreal shall comprise the Parishes of Lachine, La Pointe Claire, Sainte Anne, Sainte Geneviève and Saint Laurent.

City of Montreal. 62. The City of Montreal shall be comprised within its present limits.

UPPER CANADA.

Electoral Divisions of U. C. Counties. II. And be it enacted, That the several Counties, Cities and Towns in Upper Canada shall be bounded for the purposes of this Act as they now are for the purpose of representation, except in so far as it is hereinafter otherwise provided: and that for the purposes of this Act, each of the said Counties shall include all the Towns and Villages within the limits thereof, except such of the said Towns as are specially excepted or are hereby declared to be Electoral Divisions.

United Counties. 2. The Counties of Huron and Bruce, and the Counties of Lennox and Addington, shall respectively be united for the purpose of representation; and each such Union of two Counties shall form an Electoral Division.

Counties divided into Ridings. 3. The following Counties shall be divided into Ridings for the purpose of Representation, and each of such Ridings shall form an Electoral Division:

York. 4. The County of York shall be divided into three Ridings, to be called respectively the North Riding, the East Riding, and the West Riding:

The North Riding shall consist of the Townships of King, Whitechurch, Georgina, East Gwillimbury and North Gwillimbury;

The East Riding shall consist of the Townships of Markham, Scarborough, and that portion of the Township of York lying East of Yonge Street and the Village of Yorkville;

The West Riding shall consist of the Townships of Etobicoke, Vaughan, and that portion of the Township of York lying West of Yonge Street.

Middlesex. 5. The County of Middlesex shall be divided into two Ridings, to be called respectively the East Riding and West Riding:

The East Riding shall consist of the Townships of West Nissouri, North Dorchester, Westminster and London;

The West Riding shall consist of the Townships of Mosa, Eckfrid, Caradoc, Metcalfe, Adelaide, Williams, Lobo and Delaware.

6. The County of Oxford shall be divided into two Ridings, Oxford. to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of East Nissouri, East Zorra, West Zorra, Blandford, Blenheim, and the Town of Woodstock ;

The South Riding shall consist of the Townships of North Oxford, West Oxford, East Oxford, Norwich and Dereham.

7. The County of Hastings shall be divided into two Ridings, Hastings. to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of Lake, Tudor, Grimsthorpe, Marmora, Madoc, Elzevir, Rawdon, Huntington and Hungerford ;

The South Riding shall consist of the Townships of Sidney, Thurlow, Tyendinaga, the Village of Trenton, and the Town of Belleville.

8. The County of Durham shall be divided into two Ridings, Durham. to be called respectively the East Riding and the West Riding :

The East Riding shall consist of the Townships of Cavan, Manvers, Hope and the Town of Port Hope ;

The West Riding shall consist of the Townships of Clarke, Darlington and Cartwright.

9. The County of Northumberland shall be divided into two Northumber- Ridings, to be called respectively the East Riding and the land. West Riding :

The East Riding shall consist of the Townships of Cramahe, Brighton, Murray, Seymour and Percy ;

The West Riding shall consist of the Townships of Hamilton, Haldimand, Alnwick, South Monaghan and the Town of Cobourg.

10. The County of Ontario shall be divided into two Ridings, Ontario. to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of Reach, Uxbridge, Brock, Scott, Thorah, Mara, Rama and Scugog ;

The South Riding shall consist of the Townships of Whitby, Pickering and the Village of Oshawa.

Wentworth.

11. The County of Wentworth shall be divided into two Ridings, to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of Beverly, Flamborough East, Flamborough West and the Town of Dundas ;

The South Riding shall consist of the Townships of Saltfleet, Binbrook, Glanford, Barton and Ancaster.

Lanark.

12. The County of Lanark shall be divided into two Ridings, to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of Sherbrooke North, Dalhousie, Lanark, Ramsay, Lavant, Darling and Pakenham ;

The south Riding shall consist of the Townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Beckwith, Drummond, Bathurst and the Town of Perth.

Simcoe.

13. The County of Simcoe shall be divided into two Ridings, to be called respectively the North Riding and the South Riding :

The North Riding shall consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia, Tiny, Tay, Matchedash and the Town of Barrie ;

The South Riding shall consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Adjala, Tosorontio, Mulmer and Mono.

Leeds and
Grenville.

14. The Counties of Leeds and Grenville shall be formed into three Ridings, to be called respectively the North Riding of Leeds and Grenville, the South Riding of Leeds, and the South Riding of Grenville :

The North Riding of Leeds and Grenville shall consist of the Townships of Kitley, Elmsley, Welford, Oxford and South Gower ;

The South Riding of Leeds shall consist of the Townships of Yonge, Escott, Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, South Crosby, North Crosby, Bastard and Burgess ;

The South Riding of Grenville shall consist of the Townships of Edwardsburgh and Augusta, and the Town of Prescott.

Wellington.

15. The County of Wellington shall be divided into two Ridings, to be called respectively the South Riding and the North Riding :

The

The South Riding shall consist of the Town and Township of Guelph, and the Townships of Puslinch, Eramosa and Erin;

The North Riding shall consist of the Townships of Nichol, Garafraxa, Pilkington, Peel, Arthur, Maryborough, Amaranth, Luther and Minto.

16. The County of Waterloo shall be divided into two Ridings, to be called respectively, the North Riding and the South Riding : Waterloo.

The North Riding shall consist of the Townships of North Waterloo (including the Town of Berlin,) Woolwich and Wellesley ;

The South Riding shall consist of the villages of Galt and Preston, and the Townships of South Waterloo, North Dumfries and Wilmot ;

The present Township of Waterloo being divided, for the purposes of Representation only, into two Townships, to be called respectively the Township of North Waterloo and the Township of South Waterloo : the Township of North Waterloo to include and consist of that part of the present Township of Waterloo lying within the following limits, that is to say : commencing at the south-west angle of lot Number forty-six in the said Township, thence easterly along the southerly limits of the said lot, and of the lots Numbers forty-seven, forty-eight, fifty, fifty-one and fifty-three, and the prolongation thereof, to the middle of the Grand River, thence along the middle of the said River against the stream to the prolongation of the limit between Lots Numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said Lots Numbers one hundred and thirteen and one hundred and fourteen, and along the limits between the said Lots Numbers one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limits of Lot one hundred and seven, thence along the westerly limits of the said Lot Number one hundred and seven, northerly, to the northerly limits thereof, thence along the northerly limits of the said Lot Number one hundred and seven and of Lots Number one hundred and six, eighty-four and ninety-six, easterly to the easterly boundary of the said Township, thence along the easterly, northerly and westerly boundaries of the said Township, in a northerly, westerly and southerly direction respectively, to the place of beginning : And the Township of South Waterloo to include and consist of all the remaining part of the said present Township of Waterloo. Township of
Waterloo
divided.

17. The County of Brant shall be divided into two Ridings, to be called respectively the East Riding and the West Riding : Brant,
The

The East Riding shall consist of the Townships of South Dumfries, Onondaga, East Brantford, and the Village of Paris ;

The West Riding shall consist of the Townships of Burford, Oakland, Tuscarora, West Brantford, and the Town of Brantford.

Township of
Brantford di-
vided.

The present Township of Brantford being divided, for the purposes of Representation only, into the Townships of East Brantford and West Brantford : The Township of East Brantford to include and consist of all that portion of the present Township of Brantford which lies on the east side of the Grand River : And the Township of West Brantford to include and consist of all the remainder of the present Township of Brantford.

Elgin.

18. The County of Elgin shall be divided into two Ridings, to be called respectively the East Riding and the West Riding :

The East Riding shall consist of the Townships of Bayham, Malahide, Yarmouth, South Dorchester and the Village of St. Thomas ;

The West Riding shall consist of the Townships of Southwold, Dunwich and Aldborough.

Counties
forming each
an Electoral
Division.

19. Each of the other Counties in Upper Canada, that is to say, each of the Counties of Carleton, Dundas, Essex, Frontenac, Glengarry, Grey, Haldimand, Halton, Kent, Lambton, Lincoln, Norfolk, Peterborough, Peel, Perth, Prescott, Prince Edward, Renfrew, Russell, Stormont, Victoria and Welland, shall form an Electoral Division.

Special pro-
vision as to
Townships of
Gloucester
and Osgood.

20. Provided always, That the Townships of Gloucester and Osgoode shall, for the purpose of Representation only, be detached from the County of Carleton and attached to the County of Russell.

Toronto.

21. The City of Toronto shall form an Electoral Division.

Kingston.

22. The City of Kingston shall form an Electoral Division.

Hamilton.

23. The City of Hamilton shall form an Electoral Division.

Brockville.

24. The Town of Brockville shall form an Electoral Division, and shall, for the purpose of Representation only, include in addition to its present limits, the whole of the Township of Elizabeth-Town, which shall for the said purpose be detached from the County of Leeds.

Niagara.

25. The Town of Niagara shall form an Electoral Division, and shall for the purpose of Representation only, include, in addition to its present limits, the whole of the Township of Niagara, which shall for the said purpose be detached from the County of Lincoln.

26. The Town of Cornwall shall form an Electoral Division, Cornwall, and shall for the purpose of Representation only, include, in addition to its present limits, the whole of the Township of Cornwall, which shall be detached from the County of Stormont.

27. The Town of London shall form an Electoral Division. London.

28. The Town of Bytown shall form an Electoral Division. Bytown.

GENERAL PROVISIONS.

III. And be it enacted, That in Lower Canada, the Counties of Gaspé, Boâventure, Rimouski, Temiscouata, Kamouraska, L'Islet, Montmagny, Bellechasse, Lévis, Dorchester, Reauce, Megantic, Lotbinière, Saguenay, Montmorency, Quebec, Portneuf, Champlain, St. Maurice, Maskinongé, Nicolet, Yamaska, Berthier, Joliette, Montcalm, L'Assomption, Terrebonne, Two-Mountains, Argenteuil, Ottawa, Pontiac, Compton, Stanstead, Shefford, Richelieu, St. Hyacinthe, Rouville, Bagot, Iberville, Verchères, Chambly, Laprairie, St. Johns, Napierville, Chateaugai, Beauharnois, Huntingdon, Soulanges, Vaudreuil and Laval, shall be represented each, by one Member in the Legislative Assembly; the United Counties of Chicoutimi and Tadoussac, by one Member; the United Counties of Drummond and Arthabaska, by one Member; the United Counties of Sherbrooke and Wolfe, by one Member; the East Riding and the West Riding of the County of the Missisquoi, and the Hochelaga Riding and Jacques Cartier Riding of the County of Montreal, each by one Member; the Cities of Quebec and Montreal, each by three Members; the Town of Three-Rivers and the Town of Sherbrooke, each by one Member; And that in Upper Canada, the City of Toronto shall be represented in the Legislative Assembly by two Members, and each of the other Electoral Divisions of that portion of the Province by one Member each.

Representation of the several Electoral Divisions in L. C.

Counties having one Member each.

United Counties.

Ridings.

Cities and Towns.

Representation in U. C.

IV. And be it enacted, That the qualifications of persons entitled to vote at Elections of Members in the said Counties, Ridings, Cities and Towns, shall be those fixed by the laws now in force with regard to Counties, Ridings, Cities and Towns respectively returning Members to the said Legislative Assembly, except in so far as it may be otherwise ordered by this Act or by any Act to be passed during the present or any future Session; Provided always, that the several Cities and Towns which will under this Act have the right to elect a Member or Members to represent them respectively in the said Legislative Assembly, shall be deemed hereafter not to form part of the Counties or Ridings within the limits whereof they respectively lie, as regards the Election of Members to represent the said Counties or Ridings in the Legislative Assembly; and that no one shall have the right to vote at any such Election for any of the said Counties or Ridings upon lands or tenements or lots of ground lying

Qualification of Electors.

Proviso: Cities and Towns returning Members not to form, for Electoral purposes, part of the Counties in which they lie.

lying

lying within the limits of any of the said Cities or Towns respectively, whether there is erected thereon a dwelling house or not, any law, usage or custom to the contrary notwithstanding; but for all purposes, except those of this Act, the said several Cities and Towns shall be deemed to make part of the Counties in which they are respectively situate, in all cases where it is not otherwise provided by law: Provided also, That where any Parish or part of a Parish, Township or part of a Township, is by this Act made part of any City or Town for the purpose of Representation, although it is not within the limits of such City or Town for other purposes, the qualification of Electors voting at any Election of a Member for such City or Town, on property situate within such Parish or part of a Parish, Township or part of a Township, shall be the same as that required of Electors voting at an Election for a County.

Qualification of Electors in Townships attached to Town for Electoral purposes.

As to Polls, &c., in Townships or parts of Townships made part of Towns in U. C. for Electoral purposes only.

As to Townships divided for representation.

Proviso: as to Deputy Returning Officers in U. C.

Separate Polls to be held for incorporated Towns and Villages in U. C. and for wards in

V. And be it enacted, That any Township or part of a Township in Upper Canada, which is by this Act made part of a Town for the purpose of Representation, although not otherwise within the limits thereof, shall, for the purpose of holding any Election of a Member of the Legislative Assembly for such Town, be dealt with (except as aforesaid as to the qualification of Electors) as if it were a Ward of such Town, and if a Poll be demanded and granted at such Election, a Deputy Returning Officer shall be appointed for such Township, or part of a Township and all other proceedings shall be had, as if it were a Ward of such Town, except that the Town Clerk of such Township or part of a Township, or in case of his absence, sickness, death or incapacity to act, then the Assessor or Collector thereof, shall be appointed Deputy Returning Officer therefor; and that whenever any Township in Upper Canada is by this Act divided into two Townships, for the purpose of Representation only, then the Town Clerk of the Municipal Township so divided shall be appointed Deputy Returning Officer for that one of the Representation Townships which is first mentioned in this Act, and the Assessor or Collector of such Municipal Township shall be appointed for the other; Provided always, that if in any case in Upper Canada, there be more than one person who may by law be appointed Deputy Returning Officer, then the Returning Officer may appoint either of such persons; and if there be no person who ought to be appointed, or the person who ought to be appointed be absent, or from sickness or otherwise be unable to act, the Returning Officer may appoint such person as he shall think proper to be Returning Officer.

VI. And be it enacted, That in Upper Canada whenever a Poll shall be demanded and granted at any Election of a Member of the Legislative Assembly for a County or Riding, a separate Poll shall be held for each Incorporated Village or Incorporated Town not divided into Wards and for the purpose of Representation lying within such County or Riding, and for

for each Ward in every Incorporated Town lying within such County for the purpose of Representation and divided into Wards; and such Village or Town shall not be held for the purpose of Representation to be part of any Township within the local limits whereof it may wholly or partly lie; and the Returning Officer for the County or Riding shall appoint a Deputy Returning Officer for each such Village, Town or Ward as aforesaid; Provided always, that in Incorporated Villages and Towns not divided into Wards, the provisions of law relative to Townships shall apply as regards the person to be appointed Returning Officer, and the Clerk of the Village or Town or the Assessor or Collector thereof or other person, as the case may require, shall be appointed accordingly; but in Towns divided into Wards, any person may be appointed Deputy Returning Officer for any Ward therein; Provided that nothing in this Section shall be construed to affect the qualification of Voters in any such Incorporated Village or Town, save only that in Towns divided into Wards, they shall vote respectively in that Ward in which the property on which they vote shall be wholly or partly situate, and not in any other.

Towns divided into wards.

Proviso: as to Returning Officer.

Proviso. As to qualification of voters.

VII. And be it enacted, That in each of the Counties in Upper Canada which are by this Act divided into Ridings, the High Sheriff or Registrar of Deeds, who, without this Act, would under the provisions of the second Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards in Upper Canada, and for other purposes relative to Elections*, be the Returning Officer for such County, shall be the Returning Officer for the Riding thereof first named in this Act, and where there shall be a High Sheriff who is Returning Officer for the Riding first named as aforesaid, the Registrar of Deeds for the County shall be *ex officio* the Returning Officer for the Riding secondly named; subject always to the provisions of the second and third Sections of the Act last cited in cases where there shall be more than one person who may, under the provisions of the second Section of the said Act and of this Act, be *ex officio* the Returning Officer for the same place, or where Writs of Election shall issue at the same time or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would be *ex officio* Returning Officer, or when there shall be no person who, under the said provisions, shall be *ex officio* Returning Officer for the place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province or incapacitated from sickness or otherwise from performing the duties of Returning Officer; Provided always, that the High Sheriff of the United Counties of Leeds and Grenville shall be *ex officio* Returning Officer for the North Riding of Leeds and Grenville, the Register of Deeds for the County

Returning Officers for Ridings in U. C.

Act 14 & 15 V. c. 108, cited.

Proviso: as to Ridings formed out of Leeds and Grenville.

County of Leeds shall be *ex officio* Returning Officer for the South Riding of Leeds, and the Register of Deeds for the County of Grenville shall be *ex officio* Returning Officer for the South Riding of Grenville.

Governor may appoint a Returning Officer in certain cases in L. C.

Present election Laws to apply so far as consistent with this Act.

Returning Officers L. C.

Proviso : where there is more than one Registrar.

Electoral divisions made by this Act not to affect divisions for other purposes.

Proviso.

Proviso.

As to Gores, augmentations, &c.

VIII. And be it enacted, That for any Electoral Division in Lower Canada, in which there may not be any person authorized to act *ex officio* as Returning Officer at any Election, or in case such person is disqualified by law or otherwise prevented from acting in that capacity, it shall be lawful for the Governor to appoint a fit and proper person to be such Returning Officer ; and at and with respect to any Election for any Electoral Division, whether in Upper or in Lower Canada, and whether the limits thereof may or may not have been altered by this Act, all proceedings shall be had and conducted, and the present laws with regard to Elections followed in so far as they may not be inconsistent with this Act, as if such Divisions and the Sub-Divisions thereof had existed before the passing of this Act, and the coming into force of such laws in relation to Elections ; and if in any County or Union of Counties in Lower Canada forming an Electoral Division under this Act, there be any place at which a Registrar of Deeds and Titles is directed to keep his office, such Registrar shall be *ex officio* the Returning Officer for such County or Union of Counties ; Provided always that if in any such County or Union of Counties there be two or more such places as aforesaid, then the Writ of Election may be directed to any one of the Registrars directed to keep their offices in such County or Union of Counties, and the Registrar to whom the same shall have been directed, shall alone act as Returning Officer ; with full power to the Governor in any case to appoint a qualified person to be such Returning Officer, if the Registrar is disqualified or incapacitated from performing the duties of Returning Officer.

IX. And be it enacted, That the Electoral Divisions of this Province established by this Act, shall have their full and entire effect for all the purposes thereof so soon as it shall come into force, but shall not in any manner affect the Divisions now existing for the purposes of the Administration of Justice, of the Militia, of the Registration of Deeds or other Instruments, of Municipal or local affairs, or of any other matter whatsoever, except only for the purposes of this Act and of the Acts relative to Elections, unless or until it be otherwise provided by the Legislature ; Provided always, that any Act or Acts making provision for any of the matters aforesaid may be passed during the present Session of the Provincial Parliament ; Provided also, that all Augmentations or Gores of Seigniories, Parishes, Townships or Settlements, and all Towns, Villages or Reserves for the same, not specially mentioned in this Act, shall be considered as forming part of the County in which the principal portion of such locality, or in the immediate vicinity of which such Town, Village or Reserve, shall be situate, unless such Augmentation, Gore or Settlement, Town, Village or Reserve, shall,

shall, under the provisions of this Act, or of any Act or Law of Lower Canada, or of the Act passed in the now last Session, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, form part of some other County or Electoral Division, either as being included therein by name, or according to the boundaries established for the same; and any place mentioned in this Act as constituting a Parish, Township or Village, shall, with its usually acknowledged and known limits, be reputed to be a Parish, Township or Village for all the purposes of this Act, notwithstanding that such place may not have been, under the authority of the law, theretofore erected, proclaimed, acknowledged or incorporated as such.

14 & 15 V. c. 5.

Parishes, Townships, &c., mentioned in this Act.

X. Provided always, and be it enacted, That the Act of the Legislature of the late Province of Lower Canada, passed in the ninth year of the Reign of King George the Fourth, and intituled, *An Act to make a new and more convenient subdivision of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly than heretofore*; and so much of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, or of any other Act or Law in force in this Province, or in any part thereof, as may be inconsistent with this Act, shall be superseded and repealed from the time this Act shall come into force and effect.

Inconsistent enactments repealed.

Act of L. C. 9 G. 4, c. 73.

14 & 15 V. c. 5.

XI. And be it enacted, That the provisions of the present Election law, for holding in certain cases more than two days Polling in the Townships of Waterloo and Wilmot, be and the same are hereby repealed.

Certain provisions of 12 V. c. 27, s. 68, repealed.

XII. And be it enacted, That this Act shall have force and effect from and after the end of the present Provincial Parliament, and not before.

Commencement of Act.

C A P . C L I I I .

An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral Divisions, by providing a system for the Registration of Voters.

[Assented to 14th June, 1853.]

WHEREAS it is right to extend the Elective Franchise to certain classes of persons who are now excluded from voting at Elections of Members of the Legislative Assembly of this Province, and to provide for the Registration of persons entitled to vote at such Elections in certain Electoral Divisions, and for that purpose to amend the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain*

Preamble.

12 V. c. 27.

certain

certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the following persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as the holder of any office or otherwise by Law prevented from voting, shall be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province, that is to say :

Certain persons qualified as Electors.

At Elections for Cities and Towns.

Every male person entered on the then last Assessment Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, as the owner or as the tenant or occupant of real property therein or in the liberties thereof, as bounded for Municipal purposes, of the assessed yearly value of seven pounds and ten shillings or upwards, or who is entered on such last corrected Assessment Roll of any Township, Parish or place as the owner, tenant or occupant of any real property which is within the limits of any City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of fifty pounds at least, or the yearly value of five pounds or upwards, shall be entitled to vote at any Election of a Member to represent such City or Town as aforesaid.

At Elections for Counties and Ridings.

Every male person entered on the then last Assessment Roll, revised, corrected and in force in any Parish, Township, Town, Village or place not being within any City or Town entitled to send a Member or Members to the Legislative Assembly of this Province, as the owner, tenant or occupant of real property of the assessed actual value of fifty pounds or upwards, or the yearly assessed value of five pounds or upwards, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township, Town, Village or place is included : subject always to the provisions hereinafter made.

As to partners, joint tenants, &c.

II. And be it enacted, That whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, be entered on such Assessment Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of Voters

Voters (if any be made for the place in which such property lies) in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Provincial Parliament the Electoral Division within which such property is situate, if such property had been assessed in his individual name; except that if the property be held by any body corporate, no one of the members thereof shall be thereby entitled to vote or be entered on the list of Voters in respect of such property.

Exception as to bodies corporate.

III. Provided always, and be it enacted, That in Lower Canada all persons who without this Act would under the Act cited in the Preamble to this Act, be qualified to vote at any Election of a Member of the Legislative Assembly, in respect of property lying elsewhere than in the City of Quebec or the City of Montreal as bounded for municipal purposes, shall be entitled to vote at such Election, notwithstanding any thing in this Act, but subject to the provisions hereinafter made.

Persons qualified under 12 V. c. 27, may vote in certain parts of L. C.

IV. And be it enacted, That no person shall, either under the provisions of this Act, or those of the Act cited in the Preamble to this Act, be held qualified to vote at any such election as aforesaid, as the owner or as the occupant or tenant of any real property, on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown therefor, (except seigniorial rents or dues,) shall be over due and unpaid, or as the owner or occupant of any real property belonging to the Crown and which he shall hold or occupy without authority from the Crown, whatever be the value of such property; and it shall be the duty of the Commissioner of Crown Lands in the month of January in each year, to transmit to the Chamberlain of each City and to the County-Treasurer of each County in Upper Canada, and to the Clerk or Secretary-Treasurer of each City or County Municipality in Lower Canada, a list of all the Lands within the said County, City or County Municipality, granted or leased, or in respect of which a License of Occupation has issued, during the preceding year, and of all ungranted lands of which no person has received permission to take possession, and also of all lands on which any instalment of purchase money or rent or any other sum of money as aforesaid, shall be over due and unpaid; a copy of which list every County-Treasurer and City Chamberlain in Upper Canada, and the Secretary-Treasurer of each County Municipality in Lower Canada, is hereby required to furnish to the Clerk of each Municipality in the County, and to the Clerk of the City, as far as regards lands in his Municipality; and in places where lists of voters are made under this Act, any person disqualified under this section in respect of any property, at the time of the final revision and correction of such list, shall remain disqualified in respect of such property so long as such list shall be in force.

Persons indebted to the Crown for purchase money, &c. of Land, not to be qualified on such Land.

Lists to be furnished by Commissioner of Crown Lands.

Copies of such List to be furnished to certain officers.

Disqualification under such Lists.

V. And as regards Upper Canada only, Be it enacted—

Special Provisions as to U. C. only.

1. That in any Alphabetical list of parties and property assessed, which by the Assessment Laws in force in Upper Canada, the Clerk of every Municipality may be required to prepare and post up, he shall write *Disqualified* opposite to any parcel of land which may appear from the return of the Commissioner of Crown Lands to be the property of the Crown, on which any payment may be over due, or of which no person has received permission to take possession, and he shall give notice of such disqualification to the party assessed for such Land; and any complaint that any person is disqualified to vote in respect of any Land for the reasons above mentioned, or that any person has been wrongfully returned as so disqualified, shall be decided by the Court of Revision established by Law for the determination of disputed questions of Assessment, and the notices required to be given of such complaints, and the appeal provided to the Judge of the County Court, and all other provisions which may be in force relative to complaints and appeals in disputed questions of Assessment, shall equally apply to complaints and appeals respecting the qualification of Electors for purposes of representation in the Provincial Parliament; Provided always, that it shall at any time before the final revision and correction of such list, be competent to any person upon whose Land any payment was returned by the Commissioner of Crown Lands to be over due, to prove before the Court of Revision or the Judge of the County Court, by a subsequent receipt, that the same has been paid.

Voters disqualified under s. 4, to be so entered on Assessment Rolls.

Complaints against such entry, how made and determined.

Proviso.

Alphabetical Lists of Voters to be made after final revision of Assessment Rolls.

2. That the Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment Rolls, forthwith make a correct Alphabetical List of all persons entitled to vote at the Election of a Member of the Provincial Parliament within such Municipality, according to the provisions of this Act, together with the number of the Lot or part of Lot or other description of the real property, in respect of which they are so qualified; and in Cities and Towns the Clerks shall make out a separate List for each Ward, of the names with a description of the property of all parties on the Assessment Rolls, who may be entitled to vote in respect of real property situate within such Ward; and if any Municipality shall be partly in one Electoral Division, and partly in another for the purpose of such Election, he shall make out one such Alphabetical List for each such Electoral Division, containing the names with such description of property of all the parties on the Assessment Rolls, who may be entitled to vote in respect of real property situate in each such Electoral Division respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court or before two Justices of the Peace, to the correctness of the List or Lists so by him made out, and he shall keep such certified Lists amongst the records of the Municipality, and shall deliver a duplicate thereof certified as aforesaid

Lists to be attested: and copies delivered to certain officers.

aforesaid to the Register of the County within which the said Municipality shall lie, and all such Lists shall be completed and delivered as aforesaid, on or before the First day of September in each year, and no person shall be admitted to vote at any Election of a Member to serve in the Provincial Parliament, unless his name shall appear upon the List then last made and certified, and no question of qualification shall be raised at any such Election except to ascertain whether the party tendering his vote, is the same party intended to be designated in the Alphabetical List aforesaid.

3. That it shall be the duty of every Returning Officer in Upper Canada, upon receiving a Writ to hold any Election for a Member to serve in the Provincial Parliament, to ascertain that every Deputy Returning Officer is in possession of a certified copy of the then last revised and certified List of Voters within the Municipality or Ward for which he shall be Deputy Returning Officer; and if the Clerk of the Municipality is not the Deputy Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County a copy certified by him to be correct, of the then last List of Voters for such Municipality or Ward filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such election furnished by him to the Government.

Deputy Returning Officers to be furnished with copies of the proper parts of such Lists.

VI. And as regards Lower Canada only, Be it enacted—

1. That it shall be the duty of each and every Assessor in Lower Canada to ascertain by the best means in his power, both the owner and the occupant of all real property entered by him in his Assessment Roll, and to enter the names of such owner and occupant therein, distinguishing them respectively as the owner or occupant, as the case may be; but this provision shall not be construed in any way to alter the law as regards the liability of either the owner or the occupant to pay the assessments on such real property.

Special provisions as to L. C. only.

Assessors to enter both owner and occupant.

2. That it shall be the duty of the Clerks of the cities of Quebec and Montreal respectively, and of the Secretary-Treasurer of each other Municipality in which any such Assessment Roll shall be made in Lower Canada, forthwith after receiving the same from the Assessor, to make out an Alphabetical List of the persons who shall appear by the Assessment Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Assembly, in respect of property mentioned in such Assessment Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, but omitting those who are disqualified under the provision of the fourth section of this Act; and a copy of such list shall be

Alphabetical Lists of Voters to be made.

Persons disqualified

under s. 4.
to be distin-
guished.
Copy to be
posted up.

kept publicly posted up in the office of the said Clerk, for the information of all parties concerned, such copy being corrected by the said Secretary-Treasurer or Clerk by the original when finally revised as hereinafter provided, and again posted up as aforesaid.

Revision and
correction of
Lists of Vo-
ters.

3. That the List of Voters made in the manner prescribed by the next preceding Section, for any Municipality in Lower Canada except the cities of Quebec and Montreal, shall be subject to revision and correction by the same Court or authority by which the Assessment Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected in the same manner and during the same period of time as are provided by law for making applications for corrections in the Assessment Roll; and in the Cities of Quebec and Montreal respectively such members of the City Council as shall be designated by any By-law to be passed for that purpose, shall be a Court for revising the List of Voters, and application may be made by parties desirous of having the same corrected in the manner hereinafter mentioned during such time as shall be prescribed by such By-law; and if any person shall deem himself aggrieved either by the insertion or omission of his name in such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk of the City within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint shall be tried and determined by the said Court or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the Roll; and if any person being himself a Voter whose name is on the List, shall think that the name of any other person also entered thereon ought not to be so entered because such other person is not duly qualified as a Voter under the provisions of this Act, he may file a complaint to that effect with the Clerk of the City within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Court or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the Assessor or Assessors who made the Assessment Roll, and to the person the entry of whose name on the List is objected to, if he resides within the limits of the Municipality, and, if not, such notice shall be openly posted up in the office of the said Clerk for the information of all concerned: and at the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned, the said Court or authority shall, after hearing such of the parties notified as aforesaid as shall then and there appear, or without hearing any of them who shall fail so to appear, finally determine the complaint and affirm or amend the said List as they shall after such hearing think right: and the said Court or authority

Complaints
how made and
determined.

The same by
persons com-
plaining that
wrong names
have been in-
serted.

authority shall have full power to hear and determine any such complaint as aforesaid, and to correct the List of Voters according to such determination, and to adjourn the hearing in any case at pleasure, and to examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and to administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or to summon any person resident in the Municipality to attend as a witness before them; and if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of two shillings and six pence a day,) he shall thereby incur a penalty of Five Pounds to be recovered with costs to the use of the City in any way in which penalties under By-laws can be recovered: Provided always, that all the proceedings under this section shall be summary, and the Court or authority hearing any such complaint as aforesaid (whether in either of the said Cities or in any other Municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability in such manner as they shall deem most conducive to equity and the substantial merits of the case: And provided also, that the said Court or authority (whether in either of the said Cities or any other Municipality) shall restore to the List of Voters the name of any person who having been at the time of the making of the List disqualified under the fourth section of this Act, shall before the revision of the List shall be completed, prove by a receipt or certificate from the Commissioner of Crown Lands that he has ceased to be so disqualified, and shall strike out the name of any person who being entered on such List in the first instance shall be proved as aforesaid to be disqualified under the said Section.

Powers of Court revising such Lists.

Proviso:

Proceedings to be summary.

Proviso:

Persons entered as disqualified to be relieved in certain cases.

4. Provided always, That any person who shall have filed any complaint to the Court or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint shall have been filed, and who shall deem himself aggrieved by the decision of such Court or authority touching such complaint, may within eight days after such decision shall have been given, appeal therefrom to the Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such Petition on the Clerk or Secretary-Treasurer of the City or other Municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned: and any Judge of the Circuit Court shall have full power and authority to hear and determine such appeal in a summary manner either in term or vacation, at such time and in such way as he shall think best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he shall think proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness

Appeal given to persons aggrieved by the Court of Revision to the Circuit Court; and mode of trying and deciding such appeal.

witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties; and the decision of such Circuit Judge shall be final and conclusive, and the Clerk or Secretary-Treasurer having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Circuit Court at the place where it shall be given: and the costs of any such appeal shall be in the discretion of the Judge and shall be taxed by him at such sum and for and against such parties respectively as he may think right, and any party in whose favor any such costs may be taxed, may recover them from the party against whom they shall be taxed by execution in the manner in which costs awarded by any judgment of the Circuit Court may be recovered: Provided that no evidence shall be received by the Circuit Judge on any such appeal, except such as he shall see reasonable cause to think was adduced before the Court or authority to whom the complaint appealed from was made: And provided further that the pendency of any such appeal shall not affect the validity of those parts of the list of voters from which no appeal shall be made, but the same shall for all the purposes of this Act be deemed finally revised and corrected so soon as the delay allowed for appealing shall have expired: and no proceeding on such appeal shall be void for want of form.

Decision to be
conclusive:
Proceedings
upon it.

Proviso.

Proviso.

Return of such
Lists, and
their effect.

5. That after any such List shall have been revised and finally corrected, it shall be restored to the Secretary-Treasurer or Clerk, who shall forthwith correct by it the copy posted up in his Office, and until another shall in a future year be made, revised and corrected in its stead, those persons, and in so far as regards property within the City of Quebec or of Montreal as bounded for Municipal purposes those persons only, whose names are entered upon such List as finally revised and corrected, shall be entitled to vote at any Election of a Member of the Legislative Assembly for the Municipality for which it was made, or the Electoral Division of which such Municipality forms part.

Deputy Re-
turning Offi-
cers to be
furnished
with certain
copies of
such Lists.

6. That it shall be the duty of the Secretary-Treasurer, or Clerk of any Municipality as aforesaid, to furnish to the Deputy Returning Officer for such Municipality or for any Ward or Division thereof, a true copy certified by such Secretary-Treasurer or Clerk of the List of Voters then last revised and corrected as aforesaid, or of so much thereof as shall relate to the locality for which such Deputy-Returning Officer is to act, and such Deputy Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any Assessment Roll within the provisions of this Act,

Act, unless the name of such person shall be found upon the copy of the said List furnished to him : And it shall also be the duty of the Secretary-Treasurer of each County Municipality to furnish to each such Deputy-Returning-Officer a copy certified by such Secretary-Treasurer, of the then last list received by him from the Commissioner of Crown Lands under the fourth Section of this Act, and such Deputy-Returning Officer shall not receive the vote of any person as a voter qualified under the Act cited in the Preamble to this Act, in respect of any property in respect of which such person shall appear by such list to have been disqualified under the fourth Section of this Act when such list was made : and it shall be the duty of the Returning Officer to see that each of his Deputy-Returning Officers is provided with such copy before the first Polling day at such election, and to pay for the same and charge the cost to the Government as part of the general expenses of the Election ; and any copy of any such List of Voters or of any part thereof, or of such List from the Commissioner of Crown Lands, certified as aforesaid, shall be deemed authentic and *prima facie* evidence of the facts therein stated.

Effect of such copy.

And with copy of List from Commissioner of Crown Lands ; its effect.

Duty of Returning Officers.

VII. And be it enacted, That the Deputy-Returning Officer at any Election of a Member of the Legislative Assembly in any part of this Province, shall receive the vote of any person whose name he shall find on the proper List of Voters furnished to him as aforesaid, provided such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer :

Voters on Lists to vote on taking the following oath only.

“ You swear (or solemnly affirm), that you are (*name of Voter, as entered on the List,*) whose name is entered upon the “ List of Voters now shown to you, (*showing the List to the “ Voter,*) that you are a subject of Her Majesty by birth (or naturalization), that you are of the full age of twenty-one years, “ that you have not before voted at this Election, either at this or “ any other polling place, and that you have not received any “ thing, nor has any thing been promised to you, either directly “ or indirectly, in order to induce you to vote at this Election. “ So help you God.”

The oath.

And no other oath or affirmation shall be required of any person whose name is entered on any such List of Voters as aforesaid.

VIII. And be it enacted, That it shall also be the duty of the Register of any County and the Secretary-Treasurer or Clerk of any Municipality having the custody of the List of Voters of any Municipality or part of Municipality or place, to furnish a certified copy of such Lists then last revised and corrected, to any person who shall require such copy, on being paid for

Any party may have copies of Lists.

Fee. the

the same by such person at the rate of One Penny for every ten Voters whose names are on such List.

Punishment of Officers dealing fraudulently in respect of such Lists.

IX. And be it enacted, That if the Clerk or Secretary-Treasurer of any Municipality shall, in making out any certified List of persons entitled to vote at an Election of a Member to serve in the Provincial Parliament, wilfully insert or omit any name which ought not to have been inserted or omitted, or otherwise alter or falsify the same so that it shall not be a correct List of all persons entitled to vote according to the Assessment Rolls, or to the proper List of voters (as the case may be) as finally revised and corrected, and if any Clerk, Secretary-Treasurer, Returning Officer, Deputy-Returning Officer, Registrar, or any other person whose duty it is to deliver copies or have the custody of any certified List of Voters as aforesaid, shall wilfully make any alteration, omission or insertion, or in any way falsify any such certified List or copy, every such person shall be guilty of a misdemeanor, and shall on conviction thereof, be liable to a fine not exceeding Fifty Pounds, or to be imprisoned for a period not exceeding six months, or both, at the discretion of the Court before which he shall be convicted.

Provisions of 12 V. c. 27, inconsistent with this Act repealed.

X. And be it enacted, That upon, from and after the first day of January, one thousand eight hundred and fifty-four, so much of the Act cited in the Preamble to this Act as would require that any other oath than that hereinbefore prescribed, should be taken by any Voter at any Election in Upper Canada, or in the City of Quebec or in the City of Montreal by persons claiming to vote in respect of property lying within either of the said Cities as bounded for Municipal purposes, or by any Voter claiming the right of voting at any Election in any other part of Lower Canada as being entered on any List of Voters as aforesaid, or that the property on which any such Voter claims the right of voting should be of the required value over and above all rents and charges payable out of or affecting the same, or should have been held by such Voters during any certain time previous to the Election, or that any rent should have been paid by such Voter, or that he should have resided in any place during a certain time previous to the Election, or that he be resident in any place at the time of the Election, shall be repealed, together with so much of any other part of the said Act as would qualify as a Voter any person hereby disqualified, or disqualify any person hereby qualified, or as may be in any way inconsistent with this Act, and so much of the Schedule to the said Act as contains or prescribes the forms of oaths to be taken by Voters at any election in Upper Canada, or by persons claiming to vote in respect of property lying within the Cities of Quebec or Montreal bounded as aforesaid; or by any person claiming to vote as being entered on any List of Voters as aforesaid: but Voters claiming to vote in respect of property lying in any other place in Lower Canada and not claiming the right of voting as being entered on any

List

And so of Schedules to the said Act.

Voters in L. C. not voting as being on.

List of Voters as aforesaid, shall require to be qualified in the manner provided by the said Act, and may be required to take any of the oaths of qualification therein prescribed.

Lists, to take the oaths heretofore used.

XI. And be it enacted, That all sums of money mentioned in this Act shall be understood to be current money of this Province; and any Assessment Roll or List of Voters shall be understood to be finally revised and corrected, when it shall have been so revised and corrected by the Judge of County Court or Circuit Court or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before; and the Treasurer of a County when mentioned in this Act with reference to Upper Canada shall be held to include the Chamberlain of a City.

Interpretation.

XII. And be it enacted, That this Act shall come into force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, as regards the duties imposed by it on Assessors and other Municipal Officers, and the making, revising and correcting of the Lists of Voters, and all things thereunto relating; but its provisions as to the use and effect of the Lists of Voters, shall not apply to any Election for which the first polling-day shall be before the First day of January, one thousand eight hundred and fifty-five.

Commencement of Act.

C A P . C L I V .

An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province.

[Assented to 14th June, 1853.]

WHEREAS doubts have arisen as to the true intent and meaning of the eleventh Section of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for better securing the Independence of the Legislative Assembly of this Province*, in reference to the issue of a new Writ of Election in cases where after a General Election shall have been held in this Province, and before the meeting of Parliament, any Member who may have been elected at such General Election to serve in the Legislative Assembly of this Province, shall have accepted an office of profit or emolument under the Crown, or otherwise vacated his seat as a Member of the said Legislative Assembly; And whereas it is desirable to determine such doubts: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-union the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby

Preamble.

7 V. c. 65.

hereby

A writ may issue to fill a vacancy occurring before the first meeting of a Parliament.

hereby declared and enacted by the authority of the same, That it is and shall be lawful for a Warrant to issue to the Clerk of the Crown in Chancery, for the issuing of a new Writ for the election of a Member to fill up any vacancy arising subsequent to a General Election as aforesaid, by reason of the death of or acceptance of office by any Member of the said Legislative Assembly, at any time after such death or acceptance of office.

No office holder to be a Member after end of present Parliament.

Proviso: certain officers excepted.

II. And be it enacted, That no person holding any office of emolument at the nomination of the Crown in this Province, shall after the dissolution of the present Parliament be eligible as a Member of the Legislative Assembly of this Province, and that any Member of the said Assembly who shall accept of any such office shall thereby vacate his seat; Provided always, that nothing in this Section contained shall render ineligible as aforesaid any person who shall be a Member of the Executive Council of this Province, or who shall fill any of the following offices, that is to say: of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of the Executive Council, or Postmaster General.

The said officers may change offices without vacating their seats.

Proviso.

III. And be it enacted, That whensoever any person holding any one of the offices mentioned in the second Section of this Act, and being at the same time a Member of the Legislative Assembly, shall resign his office, and within one month after his resignation accept of any other of the said offices, he shall not thereby vacate his seat in such Assembly; any law, usage or custom to the contrary notwithstanding. Provided always, that nothing in this Clause contained shall apply to the Solicitor General accepting office as Attorney General.

C A P . C L V .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year One Thousand Eight Hundred and Fifty-Two, and certain other expenses connected with the Public Service.

[Assented to 14th June, 1853.]

MOST GRACIOUS SOVEREIGN,

Preamble.

His Excellency's Message of 8 November, 1852, recited.

WHEREAS by Message from His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date the Eighth day of November, in the year One Thousand Eight Hundred and Fifty-Two, and the Estimates accompanying the same, laid before both Houses of the Provincial

Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province for the year One Thousand Eight Hundred and Fifty-Two, not otherwise provided for by law, and also for defraying the Cost of certain Public Buildings, and other purposes in the said Message and Estimates mentioned: 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 of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole the sum of Two Hundred and Forty-Four Thousand Five Hundred and Eighty-Eight Pounds Fifteen Shillings and Three Pence currency, for defraying the several charges and expenses of the Civil Government of this Province and other purposes, for the year One Thousand Eight Hundred and Fifty-Two, set forth in the Schedule to this Act.

£244,588 15 3
granted out of
Consolidated
Revenue
Fund.

II. And be it enacted, That from and out of any unappropriated moneys forming part of the Jesuits' Estates Fund, there shall and may be paid and applied a sum not exceeding Four Thousand Pounds currency, and from and out of the Balance remaining unexpended of that part of the Common School Fund belonging to Lower Canada a sum not exceeding Five Thousand Pounds, towards the support of certain Educational Institutions in Lower Canada, as set forth in the Schedule aforesaid.

£4,000 granted
out of Je-
suits' Estates'
and £5,000 out
of School fund
Balance.

III. And be it enacted, That the due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting
clause.

IV. And be it enacted, That a detailed account of the moneys expended under the authority of this Act shall be laid before the Legislative Assembly of this Province, during the first fifteen days of the Session of Parliament next after such Expenditure.

Accounting
clause.

SCHEDULE.

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

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Militia Staff.</i>		
Salaries of two Deputy Adjutants General of Militia.....	1000 0 0	
“ of three Clerks in the Office.....	505 0 0	
Salary of a Messenger in do.....	75 0 0	
Contingent Expenses of Printing, Postage, Stationery, &c....	300 0 0	
Salary of one Provincial Aide-de-Camp.....	200 0 0	
		2080 0 0
<i>Expenses of the Legislature—Legislative Council.</i>		
Salary of the Speaker.....	500 0 0	
“ of the Clerk.....	500 0 0	
“ of the Assistant Clerk and French Translator.....	400 0 0	
“ of the Law Clerk.....	250 0 0	
“ of the Cuaplain and Librarian.....	200 0 0	
“ of the Gentleman Usher of the Black Rod.....	100 0 0	
“ of the Sergeant-at-Arms.....	100 0 0	
“ of the Head Messenger.....	100 0 0	
“ of the Door Keeper.....	60 0 0	
“ of three Messengers for the Session, at £45 each.....	135 0 0	
Contingent Expenses.....	5000 0 0	
		7345 0 0
<i>Legislative Assembly.</i>		
Salary of the Speaker, from the 19th August to the 31st December, 1852, at £500 per annum.....	183 8 6	
“ of the Clerk.....	500 0 0	
“ of the Assistant Clerk.....	400 0 0	
“ of the English Translator and Law Clerk.....	350 0 0	
“ of the French Translator.....	250 0 0	
“ of the Clerk of the Crown in Chancery.....	150 0 0	
“ of the Sergeant-at-Arms.....	100 0 0	
Contingent Expenses (exclusive of Indemnity to Members).....	34000 0 0	
		35933 8 6
<i>Pensions to Officers, &c., of the late Legislative Bodies of Upper and Lower Canada.</i>		
Of William Ginger, as late Sergeant-at-Arms to Legislative Council of Lower Canada.....	66 13 4	
“ Louis Noreau, as Messenger to do.....	20 0 0	
“ Pierre LaCroix, as do to do.....	18 0 0	
“ L. B. Pinguet, as late Clerk of Committees, House of As- sembly, do.....	66 13 4	
“ Samuel Waller, as do of do.....	100 0 0	
“ William Coates, as late Writing Clerk to Assembly of Upper Canada.....	133 6 8	
“ François Rodrigue, as Messenger to do of Lower Canada.....	18 0 0	
“ John Bright, as do to Legislative Council, Upper Canada.....	20 0 0	
“ Louis Gagné, as do to House of Assembly, Lower Canada.....	18 0 0	
		460 13 4

SCHEDULE — *Continued.*

SERVICE.	A sum not exceeding—			Currency.		
	£	s.	d.	£	s.	d.
<i>Other Pensions.</i>						
Of Jacques Brien, for wounds received in the Public Service.	20	0	0			
“ Margaret Powell, as late Keeper of the Public Offices, Toronto.....	35	0	0			
“ allowance in lieu of Rooms occupied by her in the Public Buildings at Toronto.....	20	0	0			
“ Antoine Hamel and his wife, allowance for the use of their Land on the Island of Anticosti by the Trinity House.	25	0	0			
“ Mrs. McDonell, allowance during her life, on her claims for Dower on certain property taken by the late Well-land Canal Commissioners.....	50	0	0			
“ Mrs. Widow Antrobus, two months' Pension, from 31st November to 31st December, 1852, at £200 per annum.	33	6	8			
				183	6	8
<i>Hospitals and other Charities.</i>						
To the Commissioners for the relief of Indigent Sick Persons in the District of Quebec.....	1000	0	0			
To the same, in the District of Montreal.....	1000	0	0			
To the same, in the District of Three-Rivers.....	700	0	0			
To the Corporation of the General Hospital at Montreal.....	1000	0	0			
To the Managers of the Protestant Female Orphan Asylum at Quebec.....	100	0	0			
To the Ladies' Benevolent Society, Montreal, for Widows and Orphans.....	100	0	0			
To the Roman Catholic Orphan Asylum at Quebec.....	100	0	0			
To the Montreal Protestant Orphan Asylum.....	100	0	0			
To the Male Orphan Asylum at Quebec.....	100	0	0			
To the Charitable Association of the Ladies of the Roman Catholic Asylum at Montreal.....	100	0	0			
To the University Lying-in-Hospital at Montreal.....	50	0	0			
To the Lying-in-Hospital under the care of the Sœurs de la Miséricorde.....	50	0	0			
Towards the support of the Lunatic Asylum at Toronto.....	7500	0	0			
Aid to the Temporary Lunatic Asylum at Beauport, near Quebec.....	7500	0	0			
Aid to the Hamilton Hospital.....	500	0	0			
Aid to the Toronto General Hospital.....	750	0	0			
Aid to the Toronto House of Industry.....	500	0	0			
Aid for the Relief of Indigent Sick at Kingston.....	500	0	0			
Aid to the Kingston General Hospital.....	300	0	0			
Aid to the Kingston Hôtel-Dieu Hospital.....	150	0	0			
Aid to the Protestant Hospital at Bytown.....	75	0	0			
Aid to the Roman Catholic Hospital at Bytown.....	75	0	0			
				22250	0	0
<i>Various Public Institutions.</i>						
Aid to the Medical Faculty of McGill College.....	250	0	0			
“ School of Medicine at Montreal.....	250	0	0			
“ same at Quebec.....	250	0	0			
“ Literary and Historical Society at Quebec.....	50	0	0			
“ Natural History Society at Montreal.....	50	0	0			
“ Mechanics' Institute at Quebec.....	50	0	0			

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Various Public Institutions—Continued.</i>		
Aid to the Mechanics' Institute at Montreal.....	50 0 0	
“ same at Kingston.....	50 0 0	
“ same at Toronto.....	50 0 0	
“ same at London, Canada West.....	50 0 0	
“ same at Niagara.....	50 0 0	
“ same at Hamilton.....	50 0 0	
“ same at Belleville.....	50 0 0	
“ same at Brockville.....	50 0 0	
“ same at Bytown.....	50 0 0	
“ same at Cobourg.....	50 0 0	
“ same at Perth.....	50 0 0	
“ same at Picton.....	50 0 0	
“ same at Guelph.....	50 0 0	
“ same at St. Thomas.....	50 0 0	
“ same at Brantford.....	50 0 0	
“ same at St. Catharines.....	50 0 0	
“ same at Goderich.....	50 0 0	
“ same at Whitby.....	50 0 0	
“ same at Three-Rivers.....	50 0 0	
“ same at Simcoe.....	50 0 0	
“ same at Woodstock.....	50 0 0	
“ Athæneum at Toronto.....	100 0 0	
“ Provincial Agricultural Association of Upper Canada.....	1000 0 0	
“ same of Lower Canada.....	1000 0 0	
“ Teachers' Association at Quebec, for their Library.....	50 0 0	
“ Canadian Institute at Toronto.....	250 0 0	
	4350 0 0	
<i>Bureau of Agriculture.</i>		
Towards disseminating Agricultural instruction throughout the Province, and facilitating Immigration.....	2000 0 0	
For the Salary of two Clerks at £200 each per annum,—one from 1st April, and the other from 19th August.....	223 7 5	
For a Messenger at £75 per annum, from 1st April.....	56 5 0	
	2279 12 5	
<i>Contingent Expenses of Administration of Justice.</i>		
In Upper and Lower Canada, not otherwise provided for.....	30000 0 0	
Aid to the Provincial Penitentiary, Kingston.....	6000 0 0	
For the Salaries of four Judges in Lower Canada, over and above those provided for in the Civil List.....	4000 0 0	
Addition to the Salary of the Provincial Judge, District of St. Francis.....	194 9 0	
	40194 9 0	
<i>Miscellaneous Items.</i>		
Towards paying the Salary of the Deputy Provincial Regis- trar and French Translator to Government.....	116 13 0	
For the Allowances to Keepers of Dépôts of Provisions on the River St. Lawrence, for the Relief of Shipwrecked persons.....	200 0 0	
For providing Provisions for such Dépôts.....	150 0 0	

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Miscellaneous Items—Continued.</i>						
Allowance to Pierre Brochu for residing on the Kempt Road to assist Travellers on that Road.....	25	0	0			
“ to Jonathan Noble for the same purpose.....	25	0	0			
“ for a like resident at the foot of Lake Matapedia.....	25	0	0			
“ do do at Assametquagan.....	25	0	0			
“ for small Repairs on the Kempt Road.....	25	0	0			
Expense of Printing the Laws, and other Printing for the Public Service.....	6000	0	0			
Arrears of Printing for 1851.....	1443	15	6			
Expense of Distributing the Laws.....	350	0	0			
Repairs to Chateau St. Lewis, St. George’s Hotel, and other Buildings occupied as Offices, including Rents and Assessments of the same.....	7500	0	0			
To meet Unforseen Expenses in the various branches of the Public Service.....	500	0	0			
Contingent Expenses of the Office of the Clerk of the Crown in Chancery.....	50	0	0			
Proportion of the Expense of Keeping up the Light Houses on the Isles of St. Paul and Scattered, in the Gulf.....	750	0	0			
To defray the Ordinary Expenses of the Quebec Observatory, and providing a Ball and other Apparatus.....	507	15	11			
For Additional Salary to John Drysdale, Clerk in the Office of the Inspector General.....	25	0	0			
For Additional Salary to three Messengers—one for the Office of Provincial Secretary, one for the Receiver General, and one for the Inspector General, at £10 each.....	30	0	0			
For two do—one in the Office of the Governor General’s Secretary, and one for the Provincial Secretary’s Department, at £19 each.....	38	0	0			
For the Salary of a Messenger in the Office of the Provincial Registrar.....	75	0	0			
For the Salary of the Secretary of the Board of Statistics....	75	0	0			
Salary of the Clerk attached to the Inspector General’s Department, resident in Quebec, to look after the Interests of the Crown in respect of the Loans made to the Sufferers by the Great Fires in that City, in 1845.....	200	0	0			
“ of a Clerk in the Customs Branch of the Inspector General’s Department, at 10s per diem.....	183	0	0			
“ of two Extra Clerks in the same Branch of do, at £150 each.....	300	0	0			
Allowance to the Principal Checking-Clerk, at £50 per annum, and the First Book-keeper in the Office of the Inspector General, at £25 per annum, in consideration of Extra Duty performed by them in Keeping Books for the purpose of Registering the great number of Provincial Debentures in circulation, and the more effectual checking the interest accruing thereon, at £75 per annum, from 1st September to 31st December, 1852.....	25	0	0			
For Additional Salary to C. E. Anderson, Confidential Clerk in the Receiver General’s Office, for the year.....	100	0	0			

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Miscellaneous Items—Continued.</i>						
Expenses of Commissioners under Act 9 Vic. Cap. 38, enquiring into matters connected with the Public Service, taking Evidence on Oath.....	150	0	0			
Arrears of Salary of A. Hawkins, as Shipping Master at Quebec, from 17th August to 31st December, 1847, at £250 per annum.....	92	18	7			
Compensation to O. Coté, Clerk in the Executive Council Office, for the amount of Double Rent paid by him on the removal of the Public Departments from Montreal to Toronto, in the Fall of 1849.....	10	0	0			
“ to W. A. Hinmsworth, Clerk in do, the same.....	10	0	0			
“ W. H. Lee, Acting-Clerk of do, the same.....	31	10	0			
“ to C. E. Anderson, Clerk in Receiver General’s Office, the same.....	25	0	0			
“ to T. D. Harrington, Accounting Clerk in the Office of the Provincial Secretary, the same.....	31	12	6			
“ to E. J. King, Accountant, Post Master General’s Department, moving from Montreal to Toronto, and thence to Quebec.....	22	1	8			
“ to James Ekins, of Woodstock, in full for the Losses sustained by him in consequence of his not obtaining a Grant of certain Lots of Land in the Gore between the Townships of Crowland and Humberton, to which he was entitled under an Order in Council.....	300	0	0			
For the necessary Repairs to the Temiscouata Portage Road, for the safety of the Couriers and Mails passing over it.	100	0	0			
For the Salary of W. R. Wright, late a Clerk in the Office of the Provincial Secretary, for the quarter ended 31st March last.....	43	15	0			
To pay a Balance of the Cost (£69 15s. 7d.) of a Lot of Land purchased as a Site of a Lunatic Asylum, near Montreal, with Interest thereon for 11 months, due to W. M. Ross.....	73	12	4			
For Arrears of Salary due to J. E. Turcotte, Esquire, as late Solicitor General of Lower Canada, from 22nd May to 7th December, 1847, at £600 per annum.....	328	15	3			
Towards the Erection of two Asylums for the Deaf and Dumb, and for the Blind, £5,000 each.....	10000	0	0			
For the Erection of two Prisons for Juvenile Offenders, £5,000 each.....	10000	0	0			
For the Purchase of Ground and Erection of a Custom House at Stamford.....	200	0	0			
Expense of Collecting and Copying Documents relating to the Seigniorial Tenure, including Printing.....	2500	0	0			
To compensate Pierre Jolicœur, Militiaman, for his Scrip...	15	0	0			
The same to François Lefebvre dit Beaulac.....	15	0	0			
The same to Joseph Pagé.....	15	0	0			
For the Purchase of a Building used as a Station House for the River Police at Quebec.....	150	0	0			
For a Post Office at Quebec.....	4500	0	0			
For do at Montreal.....	£4500	0	0			
For the Purchase of a Site at do.....	3000	0	0			
	7500	0	0			

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding—	Currency.
	Currency.	
	£ s. d.	£ s. d.
<i>Miscellaneous Items.—Continued</i>		
New Indian Annuities.....	1100 0 0	
For the Protection of the Fisheries in the Gulf.....	1000 0 0	
Aid for a Nautical School.....	1000 0 0	
For Salary of a Temporary Clerk in the Provincial Registrar's Office, from 20th September to 31st December, 1852, at £150.....	41 19 8	
Expenses of Honorable Messrs. Hincks, Taché and Young, to New Brunswick, Nova Scotia, &c.....	134 14 6	
Expenses of Honorable Mr. Hincks to England, from February to June, 1852.....	327 6 7	
Towards aiding the Settlement of the Vacant Lands of the Crown, in Upper and Lower Canada.....	30000 0 0	
Further Expenses attending the Removal of Public Departments from Toronto to Quebec.....	2201 6 3	
Salary of a Clerk employed in arranging, &c., the Public Archives in Montreal, from 14th January to 31st December, 1852, at 10s. per diem.....	176 0 0	
Inspectors of Penitentiary, and Expenses Visiting Gaols throughout the Province, &c.....	250 0 0	
Paid towards Relief of Sufferers by late Fires in Montreal....	2500 0 0	
To defray the Balance of the Expenses attending the Industrial Exhibition in London, in 1851.....	1500 0 0	
Additional Salary to the Book-keeper in the Office of the Receiver General, at £50 per annum, from 1st September to 31st December, 1852.....	16 13 4	
Arrears of Postages due on the Distribution of the Laws and Canada Gazette.....	531 16 2	
To make good various Indispensable Expenses incurred during the year 1851, as detailed in Statement No. 39 of the Public Accounts of that year, laid before the Legislature.....	12510 14 7	
Further sum required to complete the Purchase of Spencer Wood, and to meet the amounts due the Contractors, &c., for New Work done for the same.....	15094 17 10	
		123243 18 8
<i>Education—Upper Canada.</i>		
Usual Aid to Upper Canada College.....	1111 2 2	
“ to Victoria College.....	500 0 0	
“ to Queen's College.....	500 0 0	
“ to Regiopolis College, Kingston.....	500 0 0	
		2611 2 2
<i>Education—Lower Canada.</i>		
Salary of Secretary to Royal Institution for the Advancement of Learning.....	100 0 0	
Allowance to the same for a Messenger and Contingencies..	67 15 7	
Allowance for the Pension to the Reverend R. R. Burrage, formerly Master of the Grammar School at Quebec....	111 2 2	
Allowance to the High School at Montreal, in consideration of their educating 30 Free Scholars.....	282 4 6	
The same at Quebec.....	282 4 6	

SCHEDULE—*Continued.*

SERVICE	A sum not exceeding— Currency.		Currency.	
	£	s. d.	£	s. d.
<i>Education—Lower Canada—Continued.</i>				
Aid to the National School at Quebec.....	111	2 3		
“ to the same at Montreal.....	111	2 3		
“ to the Society of Education at Quebec.....	280	0 0		
“ to the British and Canadian School at Quebec.....	200	0 0		
“ to the Education Society at Three-Rivers.....	125	0 0		
“ to the British and Canadian School at Montreal.....	200	0 0		
“ to the St. Andrew’s School at Quebec.....	100	0 0		
“ to the St. Jacques School at Montreal.....	250	0 0		
“ to the same, for the re-building of their Premises.....	300	0 0		
“ to the Montreal American Presbyterian Free School.....	100	0 0		
“ to the College of St. Anne de la Pocatière.....	300	0 0		
“ to the College of St. Hyacinthe.....	300	0 0		
“ to the College of L’Assomption.....	300	0 0		
“ to the College towards completing their Buildings.....	300	0 0		
“ to the College of Chambly.....	300	0 0		
“ to the College towards completing their Buildings.....	300	0 0		
“ to the Academy at Berthier.....	100	0 0		
“ to the Academy at Charlestown.....	100	0 0		
“ to the Shefford Academy.....	100	0 0		
“ to the Stanstead Seminary.....	100	0 0		
“ to the Sherbrooke Academy.....	111	2 2		
“ to the Granby Academy.....	50	0 0		
“ to the Bedford School.....	50	0 0		
“ to the Huntingdon Academy.....	50	0 0		
“ to the Three-Rivers Academy.....	45	0 0		
“ to the British North American School Society at Sherbrooke.....	50	0 0		
“ to the High School at Durham Village, Missisquoi.....	100	0 0		
“ to the Infant School at Quebec.....	55	11 1		
“ to the Female School at Indian Lorette, near Quebec.....	50	0 0		
“ to the Indian School at Caughnawaga.....	50	0 0		
“ to the same at St. Regis.....	50	0 0		
“ to the same at St. Francis.....	50	0 0		
“ to the College at St. Thérèse.....	300	0 0		
“ to the College towards completing their Buildings.....	300	0 0		
“ to the College at Nicolet.....	300	0 0		
“ to the Bishop’s College at Lennoxville.....	300	0 0		
“ to the Joliette College.....	100	0 0		
“ to the Joliette College, towards completing their Buildings.....	300	0 0		
“ to the Clarenceville Academy.....	50	0 0		
“ to the Masson College, Terrebonne.....	250	0 0		
“ to the Masson College, towards completing their Buildings.....	300	0 0		
“ to the Rigaud College, Vaudreuil.....	250	0 0		
“ to the Huntingdon Academy, towards completing their Buildings.....	100	0 0		
“ for the Education, at Bytown College, of Pupils from the County of Ottawa.....	150	0 0		
“ to the College at St. Hyacinthe, as an aid to complete their Buildings.....	1000	0 0		
“ to the University of McGill College, towards liquidating their Debt.....	1000	0 0		

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Education—Lower Canada—Continued.</i>						
Aid to the Deaf and Dumb Institution at L'Industrie.....	150	0	0			
“ to the Male School at Yamachiche.....	50	0	0			
“ to the Male School towards completing their Buildings..	150	0	0			
“ to the Female School at Yamachiche.....	50	0	0			
“ to the Female School towards completing their Buildings,	150	0	0			
“ to the Female Academy at St. Thomas, Quebec.....	75	0	0			
“ to the Female Academy towards completing their Build- ings.....	300	0	0			
“ to the Point Levi College, towards completing their Buildings.....	300	0	0			
“ to the Beauharnois Academy.....	50	0	0			
“ to the Rimouski Academy, towards completing their Buildings.....	200	0	0			
“ to the Kamouraska Academy, towards completing their Buildings.....	200	0	0			
“ to the Mascouche Academy.....	50	0	0			
“ to the Mascouche Academy, towards completing their Buildings.....	100	0	0			
“ to the St. Michel Female Academy, towards completing their Buildings.....	150	0	0			
“ to the Pointe Claire Academy, towards completing their Buildings.....	200	0	0			
“ to the St. John's Academy.....	50	0	0			
“ to the St. John's Academy, towards completing their Buildings.....	200	0	0			
Total for Lower Canada.....	£	12657	4 6			
Out of which to be charged against the Jesuits' Estates Fund.....	£	4000	0 0			
Also,—The following sum out of the Balance unexpended of the Common School Fund in Lower Canada.....	5000	0	0			
		9000	0 0			
				3657	4	6
Total from Consolidated Revenue Fund.....	£	244588	15 3			

CAP. CLVI.

An Act for granting to Her Majesty certain sums of money for defraying certain expenses of the Civil Government for the year One Thousand Eight Hundred and Fifty-Three, for the cost of certain Public Works, and for certain other expenses connected with the Public Service.

[Assented to 14th June, 1853.]

MOST GRACIOUS SOVEREIGN,

Preamble.

His Excellency's Messages of 31 May and 11 June 1853, recited.

WHEREAS by Messages from His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date respectively the Thirty-First day of May and the Eleventh day of June, in the year One Thousand Eight Hundred and Fifty-Three, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province for the year One Thousand Eight Hundred and Fifty-Three, not otherwise provided for by law, and also for defraying the Cost of certain Public Works, and for other purposes in the said Message and Estimates mentioned: 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 of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole the sum of Five Hundred and Sixty-Six Thousand Nine Hundred and Fifty-Nine Pounds, Nineteen Shillings and Two Pence currency, for defraying the several charges and expenses of the Civil Government of this Province, for the year One Thousand Eight Hundred and Fifty-Three, and other purposes, set forth in the Schedule to this Act.

£566,959 19s. 2d., granted out of Consolidated Revenue Fund.

£4,000 granted out of the Jesuits' Estates Fund.

II. And be it enacted, That from and out of any unappropriated moneys forming part of the Jesuits' Estates Fund, there shall and may be paid and applied a sum not exceeding Four Thousand Pounds currency, towards the support of certain Educational

Educational Institutions in Lower Canada, as set forth in the Schedule aforesaid.

III. And be it enacted, That from and out of the unappropriated moneys, forming part of the Upper Canada Building Fund, there shall and may be paid and applied a sum not exceeding Ten Thousand Pounds currency, for completing and furnishing the Normal School at Toronto, as set forth in the Schedule aforesaid. £10,000
granted out of
U. C. Building
Fund.

IV. And be it enacted, That the due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct. Accounting
clause.

V. And be it enacted, That a detailed account of the moneys expended under the authority of this Act shall be laid before the Legislative Assembly of this Province, during the first fifteen days of the Session of Parliament next after such Expenditure. Accounting
clause.

SCHEDULE.

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

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Militia Staff.</i>		
Salaries of two Deputy Adjutants General of Militia, £500 each	1000 0 0	
“ of Three Clerks in the Office of do	505 0 0	
Salary of a Messenger in do do	75 0 0	
Contingent Expenses of Printing, Postages, Stationery, &c.	300 0 0	
Salary of one Provincial Aide-de-Camp	200 0 0	
		2080 0 0
EXPENSES OF THE LEGISLATURE.		
<i>Legislative Council.</i>		
Salary of the Speaker, while a member of the Executive Council	800 0 0	
“ of the Clerk	500 0 0	
“ of the Assistant Clerk and French Translator	400 0 0	
“ of the Law Clerk	250 0 0	
“ of the Chaplain and Librarian	200 0 0	
“ of the Gentleman Usher of the Black Rod	100 0 0	
“ of the Sergeant-at-Arms	100 0 0	
“ of the Head Messenger	100 0 0	
“ of the Door Keeper	60 0 0	
“ of three Messengers for the Session, £45 each	135 0 0	
Contingencies	5000 0 0	
Indemnity to Members for their attendance, at 20s. per diem, including Travelling at 6d. per mile for the distance between the place of residence of such Member and the place at which the Session is held	4500 0 0	
		12145 0 0
<i>Legislative Assembly.</i>		
Salary of the Speaker	800 0 0	
“ of the Clerk	500 0 0	
“ of the Assistant Clerk	400 0 0	
“ of the English Translator and Law Clerk	350 0 0	
“ of the French Translator	250 0 0	
“ of the Clerk of the Crown in Chancery	150 0 0	
“ of the Sergeant-at-Arms	100 0 0	
Contingent Expenses (exclusive of Indemnity to Members) ..	34000 0 0	
		36550 0 0
<i>Various Public Departments.</i>		
Additional Salary to the Post Master General	50 0 0	
do to the Chief Commissioner of Public Works	50 0 0	
do to H. H. Killaly, for Engineering Services on the Welland Canal, from 14th February, 1851, to 31st December, 1853, at £250 per annum	719 17 3	

SCHEDULE—Continued.

S E R V I C E .	A sum not exceeding— Currency.	Currency.
<i>For Additional Salaries to Clerks in the Public Departments receiving Salaries under £400 per annum, viz:</i>	£ s. d.	£ s. d.
For Salaries to the Provincial Secretary's Office.....	155 11 4	
do the Provincial Registrar's do	33 6 11	
do the Receiver General's do	75 0 0	
do the Inspector General's do	425 0 0	
do the Executive Council do	127 15 8	
		1636 11 2
<i>Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.</i>		
W. Ginger, as late Sergeant-at-Arms to Legislative Council of Lower Canada.....	68 13 4	
L. B. Pinguet, as Clerk of Committees to do	66 13 4	
Samuel Waller, as do do to do	100 0 0	
William Coates, as Writing Clerk to do of Upper Canada...	133 6 8	
John Bright, as Messenger to Legislative Council of do ...	20 0 0	
Louis Noreau, as do to do Lower Canada..	20 0 0	
Pierre Lacroix, as do to do do ..	18 0 0	
François Rodrigue, as do to Assembly of do ..	18 0 0	
Louis Gagné, as do to do do ..	18 0 0	
		460 13 4
<i>Other Pensions.</i>		
Jacques Brien, for Wounds received in the Public Service. . .	20 0 0	
Margaret Powell, as late Keeper of Public Buildings at Toronto. do allowance in lieu of Rooms occupied by her in do.....	35 0 0 20 0 0	
Antoine Hamel and his Wife, allowance for the use of their Land on the Island of Anticosti by the Trinity House. . .	25 0 0	
Mrs. McDonell, allowance during her life, on her Claims for Dower on a certain property taken by the late Welland Canal Commissioners.....	50 0 0	
Mrs. Widow Antrobus.....	200 0 0	
Catherine Smith, Widow of the late Mr. Justice Pyke, 8 months' Pension, from the 1st May to 31st December, 1853, at £50 per annum.....	33 6 8	
Widow McCormick, Pension, from the 29th March, 1852, to do, at £100 per annum.....	175 16 6	
		559 3 2
<i>Hospital and other Charities.</i>		
To the Commissioners for the relief of Indigent Sick Persons at Quebec.....	1000 0 0	
To the same in the District of Montreal.	1000 0 0	
To the same in the District of Three-Rivers.....	700 0 0	
To the Corporation of the General Hospital at Montreal.	1000 0 0	
To the Managers of the Protestant Female Orphan Asylum at Quebec.....	100 0 0	
To the Ladies' Benevolent Society, Montreal, for Widows and Orphans.....	100 0 0	
To the Roman Catholic Orphan Asylum at Quebec.....	100 0 0	

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Hospitals and other Charities—Continued.</i>		
To the Montreal Protestant Orphan Asylum.....	100 0 0	
To the Male Orphan Asylum at Quebec.....	100 0 0	
To the Charitable Association of the Ladies of the Roman Catholic Asylum at Montreal.....	100 0 0	
To the University Lying-in Hospital at Montreal.....	50 0 0	
To the Lying-in Hospital under the care of the Sœurs de la Miséricorde.....	50 0 0	
Towards the support of the Lunatic Asylum at Toronto.....	7500 0 0	
Towards the support of the Temporary Lunatic Asylum at Beauport, near Quebec.....	7500 0 0	
Aid to the Hamilton Hospital.....	600 0 0	
“ Toronto General Hospital.....	1000 0 0	
“ Toronto House of Industry.....	500 0 0	
“ Relief of Indigent Sick at Kingston.....	500 0 0	
“ Kingston General Hospital.....	600 0 0	
“ Kingston Hotel-Dieu Hospital.....	200 0 0	
“ Protestant Hospital at Bytown.....	150 0 0	
“ Roman Catholic Hospital at Bytown.....	150 0 0	
“ Hamilton Orphan Asylum.....	100 0 0	
“ St. Patrick's Hospital at Montreal, for their Building.....	122 10 0	
“ Sisters of Charity at Quebec, towards their Building.....	122 10 0	
		23445 0 0
<i>Various Public Institutions.</i>		
Aid to the Medical Faculty of McGill College.....	250 0 0	
“ School of Medicine at Montreal.....	250 0 0	
“ same at Quebec.....	250 0 0	
“ Literary and Historical Society at Quebec.....	50 0 0	
“ Natural History Society, Montreal.....	50 0 0	
“ Mechanics' Institute at Quebec.....	50 0 0	
“ same at Montreal.....	50 0 0	
“ same at Kingston.....	50 0 0	
“ same at Toronto.....	50 0 0	
“ same at London, Canada West.....	50 0 0	
“ same at Niagara.....	50 0 0	
“ same at Hamilton.....	50 0 0	
“ same at Belleville.....	50 0 0	
“ same at Brockville.....	50 0 0	
“ same at Bytown.....	50 0 0	
“ same at Cobourg.....	50 0 0	
“ same at Perth.....	50 0 0	
“ same at Picton.....	50 0 0	
“ same at Guelph.....	50 0 0	
“ same at St. Thomas.....	50 0 0	
“ same at Brantford.....	50 0 0	
“ same at St. Catherines.....	50 0 0	
“ same at Goderich.....	50 0 0	
“ same at Whitby.....	50 0 0	
“ same at Three-Rivers.....	50 0 0	
“ same at Simcoe.....	50 0 0	
“ same at Woodstock.....	50 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.		Currency.	
	£	s. d.	£	s. d.
<i>Various Public Institutions—Continued.</i>				
Aid to the Mechanics' Institute at Brampton, in the County of Peel.....	50	0 0		
“ same at Port Sarnia.....	50	0 0		
“ same at Chatham.....	50	0 0		
“ same in the County of Halton.....	50	0 0		
“ same at Galt in the County of Waterloo.....	50	0 0		
“ same at Port Hope.....	50	0 0		
“ Athenæum at Toronto.....	100	0 0		
“ Huron Library Association and Mechanics' Institute.....	50	0 0		
“ Teachers' Association at Quebec, for their Library.....	50	0 0		
“ Canadian Institute at Toronto.....	250	0 0		
“ Canadian Institute, Quebec.....	50	0 0		
“ do to their Library.....	100	0 0		
“ Académie Industrielle de St. Laurent, for the years 1852 and 1853, at £150 per annum.....	300	0 0		
“ do towards their Building.....	150	0 0		
For the re-organization and temporary maintenance of the Scientific Observatory at Toronto.....	2000	0 0		
To reimburse Captain Lefroy, in charge of the Magnetical Observatory, the value of certain additions made by him to the Building of the Observatory at Toronto, as a residence for the Officer in charge.....	249	3 5		
To the Literary and Historical Society at Quebec, as an aid for the removal of their Library and Museum.....	150	0 0		
To the Natural History Society at Montreal, towards their Building.....	150	0 0		
Towards the Establishment of an Experimental Farm at Toronto.....	500	0 0		
			6349	3 5
<i>Bureau of Agriculture.</i>				
For Salaries of two Clerks at £200 each per annum.....	400	0 0		
For a Messenger.....	75	0 0		
			475	0 0
<i>Contingent Expenses of Administration of Justice.</i>				
In Upper and Lower Canada, not otherwise provided for.....	30000	0 0		
For the support of the Provincial Penitentiary at Kingston.....	7000	0 0		
For Salaries of four Judges in Lower Canada.....	4000	0 0		
Additional Salary to Judge in District of St. Francis.....	194	9 0		
			41194	9 0
<i>Miscellaneous Items.</i>				
Towards the Salary of the Deputy Provincial Registrar and French Translator to Government.....	116	13 0		
For Allowance to Keepers of Depots of Provisions on the River St. Lawrence, for the Relief of Shipwrecked persons..	200	0 0		
For providing Provisions for such Depots.....	150	0 0		
Allowance to Pierre Brochu, for residing on Kempt Road to assist Travellers on that Road.....	25	0 0		

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Miscellaneous Items—Continued.</i>		
Allowance to Jonathan Noble, for the same.....	25 0 0	
“ for a like Resident at the foot of Matapedia.....	25 0 0	
“ for do do at Assametquagan.....	25 0 0	
Expense of Printing the Laws and other Printing for the Public Service.....	5000 0 0	
Expense of Distributing the Laws.....	350 0 0	
To meet unforeseen Expenses in the various branches of the Public Service.....	500 0 0	
Contingent Expenses of the Office of the Clerk of the Crown in Chancery.....	50 0 0	
Proportion of Expense of Keeping up Light Houses on the Isles of St. Paul and Scatterie in the Gulf.....	750 0 0	
To defray the Expenses of the Quebec Observatory.....	400 0 0	
Additional Salary to Messenger in Receiver General and Pro- vincial Secretary's Office, at £10 each per annum....	20 0 0	
“ for Governor General's Secretary, Provincial Sec- retary, and Inspector General's Office, at £19 per annum	57 0 0	
Salary of Messenger in the Office of Provincial Registrar....	75 0 0	
Salary of Secretary of Board of Registration and Statistics....	250 0 0	
Salary of Clerk attached to Inspector General's Department resident in Quebec to look after the interests of the Crown in respect of the Quebec Fire Loans.....	200 0 0	
“ of Clerk in Customs branch of Inspector General's De- partment.....	200 0 0	
“ of two extra do, at £250 per annum.....	500 0 0	
Additional Salary to C. E. Anderson, Confidential Clerk in Receiver General's Office.....	100 0 0	
Expenses of Commissioners under Act 9 Vic. cap. 38, enquir- ing into matters connected with the Public Service taking Evidence on Oath.....	500 0 0	
New Indian Annuities.....	1100 0 0	
For the Protection of Fisheries in the Gulf.....	1000 0 0	
Aid for a Nautical College.....	1000 0 0	
Salary of a temporary Clerk in the Provincial Registrar's office for the year.....	150 0 0	
Salary of a Clerk, arranging, &c., the Public Archives at Mont- real, for the year, at 10s. per diem.....	182 10 0	
Additional Salary to Book-keeper in the Office of Receiver Ge- neral.....	50 0 0	
Salary of an Additional Clerk in the Receiver General's Office, to perform the Duties required by Act 16 Vic. cap. 22, at £150 per annum, from 20th January to 31st Decem- ber, 1853.....	142 1 8	
Expense of transporting Troops in aid of the Civil Power....	732 16 8	
Aid for the Parliamentary Library.....	1000 0 0	
To make good various indispensable Expenses of the Civil Go- vernment in the year 1852, as detailed in Statement No. 38 of the Public Accounts laid before the Legislature..	13832 4 7	
To pay G. A. Miller, for services rendered by him as Clerk to a Militia Court Martial held at Montreal in August last, and costs of suit incurred by him.....	6 8 6	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Miscellaneous Items—Continued.</i>		
For the Arming and Equipment of a Volunteer Militia in Upper and Lower Canada.....	10000 0 0	
Towards aiding the Settlement of the Vacant Lands of the Crown in Upper and Lower Canada.....	30000 0 0	
For the erection of Institutions for Deaf and Dumb, and the Blind, in Upper and Lower Canada.....	20000 0 0	
For the erection of a Custom House at Quebec.....	13000 0 0	
Additional sum for a Post Office at Quebec.....	4500 0 0	
“ “ at Montreal.....	3500 0 0	
“ “ at Toronto.....	3000 0 0	
For the erection of a Post Office at Hamilton.....	7000 0 0	
“ “ at Kingston.....	3500 0 0	
To enable Government to compensate the Sufferers by the Affray at Indian Stream, 1834.....	2590 0 0	
For temporary maintenance of the Rideau Canal from the 1st September, 1853, to the 1st May, 1854.....	3000 0 0	
Towards the Judiciary organization of unlimited Tracts of Country in Upper Canada.....	750 0 0	
Towards building a New Court House and Gaol at Chicoutimi.....	750 0 0	
Advance to meet in part the Expenses connected with the determination of the Line between Canada and New Brunswick.....	2000 0 0	
Compensation for Scrip to Catherine Sager, Widow of Essery Kibley.....	30 0 0	
To enable the Government to remit to W. W. Smith of Montreal, one third of the Penalty imposed on him by a Judgment at the suit of the Collector of Customs at St. Johns, in 1842.....	38 9 3	
Additional aid towards the Common School Fund in Upper and Lower Canada.....	10000 0 0	
Aid to the Sufferers by the Fires on the Ottawa.....	2000 0 0	
Sum to be advanced as a Loan towards repairing, &c., the Court House at Quebec.....	4750 0 0	
Amount of Claim of Messrs. Elliot, Grant and McDonald....	441 0 0	
To cover a sum to pay the Claim of Benjamin Draper,—not to exceed.....	1926 4 1	
		151490 7 9
For the completion and furnishing of the Normal School at Toronto, (to be defrayed out of the Upper Canada Building Fund).....	10000 0 0	
<i>Education—Upper Canada.</i>		
Usual Aid to Upper Canada College.....	1111 2 2	
“ to Victoria College.....	500 0 0	
“ to Queen's College.....	500 0 0	
“ to Regiopolis College, Kingston.....	500 0 0	
		2611 2 2
<i>Education—Lower Canada.</i>		
Salary of Secretary to Royal Institution for the Advancement of Learning.....	100 0 0	
Allowance to the same for a Messenger and Contingencies....	67 15 7	

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Education—Lower Canada—Continued.</i>		
Allowance for the Pension to the Reverend R. R. Burrage, formerly Master of the Grammar School at Quebec.	111 2 2	
“ to the High School at Montreal, in consideration of their Educating 30 Free Scholars.	282 4 6	
The same at Quebec.	282 4 6	
Aid to the National School at Quebec.	111 2 3	
“ same at Montreal.	111 2 3	
“ Society of Education at Quebec	280 0 0	
“ British and Canadian School at Quebec.	200 0 0	
“ Education Society at Three-Rivers.	125 0 0	
“ British and Canadian School at Montreal.	200 0 0	
“ St. Andrew’s School at Quebec.	100 0 0	
“ St. Jacques School at Montreal.	250 0 0	
“ College of St. Hyacinthe.	300 0 0	
“ College of L’Assomption.	300 0 0	
“ College of Chambly.	300 0 0	
“ Academy at Berthier.	100 0 0	
“ Academy at Charlestown.	100 0 0	
“ Montreal American Presbyterian Free School.	100 0 0	
“ College of Ste. Anne de la Pocatière.	300 0 0	
“ same, towards completing their Buildings.	200 0 0	
“ Shefford Academy.	100 0 0	
“ Stanstead Seminary.	100 0 0	
“ Sherbrooke Academy.	111 2 2	
“ Granby Academy.	75 0 0	
“ Bedford School.	50 0 0	
“ Compton School.	50 0 0	
“ Barnston School.	50 0 0	
“ Huntingdon Academy.	50 0 0	
“ same towards completing their Building.	50 0 0	
“ Three-Rivers Academy.	100 0 0	
“ British North American School Society at Sherbrooke.	50 0 0	
“ High School at Durham Village, Missisquoi.	100 0 0	
“ Infant School at Quebec.	55 11 1	
“ Female School at Indian Lorette, near Quebec.	50 0 0	
“ Indian School at Caughnawaga.	50 0 0	
“ same at St. Regis.	50 0 0	
“ same at St. Francis.	50 0 0	
“ College at Ste. Thérèse.	300 0 0	
“ same towards completing their Buildings.	200 0 0	
“ College at Nicolet.	300 0 0	
“ Bishop’s College at Lennoxville.	300 0 0	
“ Joliette College.	100 0 0	
“ Clarenceville Academy.	50 0 0	
“ Masson College, Terrebonne.	250 0 0	
“ Rigaud College, Vaudreuil.	250 0 0	
“ same towards completing their Buildings.	200 0 0	
“ Deaf and Dumb Institution at L’Industrie.	150 0 0	
“ Male School at Yamachiche.	50 0 0	
“ Female School at do	50 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Education—Lower Canada—Continued.</i>		
Aid to the Female Academy at St. Thomas, Quebec.....	75 0 0	
“ Beauharnois Academy.....	50 0 0	
“ Mascouche Academy.....	50 0 0	
“ St. John’s Academy.....	50 0 0	
“ Education, at Bytown College, of Pupils from the County of Ottawa.....	150 0 0	
“ University of McGill College.....	300 0 0	
“ Academy at St. Michel.....	75 0 0	
“ Academy at Ste. Foye.....	50 0 0	
“ Point Levy College.....	50 0 0	
“ Kamouraska Academy.....	25 0 0	
“ Rimouski Academy.....	25 0 0	
“ Pointe Claire Model School.....	25 0 0	
“ Mr. Bonin’s Academy at St. Andrews.....	25 0 0	
“ same to complete the Buildings.....	75 0 0	
“ towards the rebuilding of the Kamouraska Schol.....	250 0 0	
“ Academy of Malbaie, towards their Building.....	50 0 0	
“ Academy at St. Grégoire, towards their Building.....	50 0 0	
“ Louis Vincent, an infirm Indian Schoolmaster.....	25 0 0	
Total for Lower Canada.....£	8662 4 6	
Out of which it is proposed to charge against the Jesuits’ Es- tate Fund.....	4000 0 0	4662 4 6
<i>Public Works.</i>		
Welland Canal.—Regulating Wier, Lock, and Collectors’ Houses, raising Banks, Lock-coping, &c.....	34024 11 3	
<i>St. Lawrence Canals:</i>		
Gallopes—Supply Wiers, &c..... £ 855 0 0		
Rapid Plat—Entrance Piers, &c..... 1506 0 0		
Farran’s Point—Piers at entrance, &c... 1823 18 0		
	4214 18 0	
Cornwall Canal.—Lock Houses, Wiers.....	2000 0 0	
Beauharnois Canal.—Wiers, Sluices, Hydraulic Ditch, &c.. Rampart and Ditch along part of Lake St. Francis to stop Flooding of certain Lands.....	2800 0 0	
Lachine Canal.—Extending Piers, Deepening above Guard Lock, Fenders in Rock Excavation, Completing Approach to Docks, and Wharves round Wood Basin.....	11500 0 0	
To pay off Mortgages on Land and Interest, for the same.....	15227 18 6	
Further Purchase of Land required for Docks, for the same.....	30450 0 0	
River Richelieu.—Securing Island and Dam, Dredging, Collec- tor’s House, &c.....	1200 0 0	
Ottawa and Madawaska.—Lumbering Works, New Booms, and Dam at Madawaska Mouth.....	3700 0 0	
Ste. Annes.—Removing Shoal.....	1000 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Public Works—Continued.</i>		
	£ s. d.	£ s. d.
<i>St. Maurice.</i> —Additional Booms, Guard Piers, removing Shoals, &c.	9000 0 0	
Improving Falls at LaToque.	5000 0 0	
<i>Gatineau.</i> —Acquiring Land, Booms, &c.	300 0 0	
Improvement of Navigation of Ottawa River, commencing at the obstruction between the Lake Chaudière and Lake Chats.	50000 0 0	
Renewal of Scugog Lock and Bridge, cleaning River Bobcagegan, and removal of Lock and Dam.	5250 0 0	
Three Light Houses below Quebec.	17500 0 0	
Light Houses, Beacons, removing Boulders, &c., between Montreal and Kingston, so as to permit the Mail Steamers and Tug Vessels to ply at night.	3000 0 0	
Light House and Beacons at Lake Huron, Point Pelée, and Lake Erie.	9000 0 0	
Main Road of Communication between Canada and New Brunswick.	25000 0 0	
Completion of Piers below Quebec.	6000 0 0	
Bridges and Flumes connected with the Hydraulics of Bytown	1500 0 0	
Tug Boat Contract.	4650 0 5	
Repairs and Maintenance of Public Building, Rents, Insurance, &c.	4500 0 0	
To cover Expenditure in Removal to Quebec, beyond sum appropriated.	3958 16 11	
To cover Cost of Fencing in Spencer Wood Property, forming Farm Road, widening Main Avenue, excavating Well and Cistern in Garden, &c.	2500 0 0	
To pay Awards of Arbitrators, Law Expenses, &c., &c.	15000 0 0	
New Wing for Marine Hospital, &c.	8525 0 0	
Outer-fencing and Enclosure, Gates, &c., to Parliament Buildings, Quebec.	2000 0 0	
Total Currency.	£ 283301 4 8	
Total out of Consolidated Revenue Fund, currency.	£ 566959 19 2	

CAP. CLVII.

An Act for raising on the credit of the Consolidated Revenue Fund, a certain sum required for the Public Service.

[Assented to 14th June, 1853.]

Preamble.

16 V. c. 156.

WHEREAS it is expedient to authorize the raising of the sum hereinafter mentioned by loan, towards making good certain appropriations made for Public Works, by the Act passed in the present Session, and intituled, *An Act for granting to Her Majesty certain sums of money for defraying certain*

certain expenses of the Civil Government for the year one thousand eight hundred and fifty-three, for the cost of certain Public Works, and for certain other expenses connected with the Public Service: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council to authorize the raising by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding One Hundred and Fifty Thousand Pounds currency, to be placed at the credit of the said Consolidated Revenue Fund, towards making good the sums appropriated out of the said Fund by the said Act of the present Session, for certain contingencies of the Public Service connected with the Public Works.

£150,000 may be raised by Loan on Credit of Consolidated Revenue Fund.

II. And be it enacted, That for the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the issuing of Debentures, to an amount not exceeding in the whole the sum last aforesaid, in such form, for such separate sums, at such rate of interest not exceeding six per centum per annum, and to make the principal and interest thereon payable at such periods and at such places, as to him shall seem most expedient, the said principal and interest being hereby made chargeable upon the said Consolidated Revenue Fund of this Province.

Debentures to be issued under orders in Council.

III. And be it enacted, That accounts in detail of all moneys received and paid under this Act, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected, received or paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Accounting clause.

IV. And be it enacted, That the due application of the moneys raised and expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Accounting clause.

CAP. CLVIII.

An Act to regulate the Currency.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is desirable to adopt a Currency for this Province, which may hereafter be advantageously made common to all the Provinces of British North America, as being simple and convenient in itself and well calculated to facilitate their commercial intercourse with other parts of this continent: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Currency of this Province*, and the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to alter the rate at which certain Silver Coins shall be a legal tender*, and the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the introduction of the Decimal System into the Currency of this Province, and otherwise to amend the Laws relative to the Currency*, and the Act passed in the session last aforesaid, and intituled, *An Act to extend the Provisions of the Currency Act to certain Gold and Silver Coins coined after the periods in the said Act limited*, shall be repealed from and after the time when this Act shall come into force: Provided always, that all Acts, parts of Acts and provisions of Law repealed by the said Acts or any of them, shall remain repealed; And provided also that all offences against the said Acts or any of them, committed before this Act shall come into force, may be tried, punished and otherwise dealt with as if this Act had not been passed.

Acts 4 & 5 V.
c. 93,13 & 14 V. c.
9,14 & 15 V. c.
47, and14 & 15 V. c.
48, repealed.

Proviso.

Proviso.

Legal denomi-
nations of cur-
rent money.

II. And be it enacted, That the denominations of money in the Currency of this Province, shall be pounds, dollars, shillings, pence, cents and mills: the pound, shilling and penny shall have, respectively, the same proportionate values as they now have, the dollar shall be one-fourth of a pound, the cent shall be one-hundredth of a dollar and the mill one-tenth of a cent; and in any statement as to money or money value in any agreement, indictment or legal proceeding, the same may be mentioned and described in pounds, shillings and pence, or in dollars, cents and mills, or in any or either of such denominations, as may be considered expedient.

III. And be it enacted, That the Pound Currency shall be held to be equivalent to and to represent one hundred and one grains, and three hundred and twenty-one thousandths of a grain Troy weight, of Gold of the Standard of fineness now prescribed by Law for the Gold Coins of the United Kingdom; and the Dollar Currency shall be held to be equivalent to and to represent one fourth part of the weight aforesaid of Gold of the said Standard; and any Gold Coins of the standard of fineness aforesaid which Her Majesty shall direct to be struck at the Royal Mint, shall, by such names as shall be assigned to them in any Proclamation declaring them lawful money of this Province, pass current and be a legal tender for sums to be mentioned in such Proclamation and proportionate to their respective weights, subject to the like allowance for remedy as British Gold Coins.

Pound currency defined.

Dollar currency.

Certain Gold Coins to be a legal tender.

Remedy.

IV. And be it enacted, That the Pound Sterling shall be held to be equal to one pound, four shillings and four pence, or four dollars, eighty-six cents and two-thirds of a cent, Currency, and any British Sovereign of lawful weight, shall pass current and be a legal tender for that sum; and the other Gold Coins of the United Kingdom shall, while of lawful weight, pass current and be a legal tender for sums in currency equal, according to the proportion aforesaid, to their Sterling value.

Pound sterling.

British Gold Coins.

V. Provided always and be it enacted, That nothing in this Act shall affect the meaning to be affixed to the words "Sterling," "Sterling money of Great Britain" or other words of like import in any law in force in this Province, or in any part thereof, at the time when the Act herein first above cited and repealed came into force, or in any contract or agreement then made therein, but any such law, contract or agreement shall be construed according to the intention of the Legislature or of the parties who made the same; but in any law, contract or agreement made in this Province after the said Act came into force, or to be made after this Act shall come into force, the Pound Sterling shall be understood to have the value in Currency hereby assigned to the British Sovereign.

Proviso : as to meaning of word "Sterling" in contracts, &c. made before this Act shall be in force.

VI. And be it enacted, That the Public Accounts of this Province shall be kept in such of the denominations of current money of this Province hereinbefore mentioned, as Her Majesty shall from time to time direct, but that all sums of money and accounts may be legally mentioned, described and stated in any of the said denominations.

Public accounts to be kept in such denominations as Her Majesty shall direct.

VII. And be it enacted, That such silver coins as Her Majesty may direct to be struck at the Royal Mint, of the fineness now fixed by law for the silver coins of the United Kingdom, and of weights bearing respectively the same proportion to the value to be assigned to such coins in this Province, which the weights of the silver coins of the United Kingdom bear to the value

Silver Coins struck by order of Her Majesty to be a legal tender.

value assigned to them in the United Kingdom, shall, by such names as shall be assigned to them by Her Majesty in Her Royal Proclamation declaring them lawful money of this Province, pass current and be a legal tender at the rates assigned to them respectively in such Proclamation.

Silver Coins
of United
Kingdom.

VIII. And be it enacted, That until it shall be otherwise ordered by Her Majesty's Royal Proclamation, the Silver coins of the United Kingdom, while lawfully current therein, shall pass current in this Province for sums in currency, equal, according to the proportion hereinbefore fixed, to the sums in sterling for which they respectively pass current in the United Kingdom, but after the time to be fixed for that purpose in any such Proclamation as aforesaid, they shall cease to be current money in this Province; and no other Silver Coins than those declared to be so by this Act shall be a legal tender or current money in this Province.

No Silver
Coins to pass
except those
made legal
by this Act.

Amount of
Silver in any
one payment,
limited.

IX. Provided always, and be it enacted, That the Silver Coins mentioned in either of the two next preceding sections, shall not be a legal tender to the amount of more than Two Pounds Ten Shillings currency, in any one payment: and the holder of the notes of any person or persons or body corporate, to the amount of more than Two Pounds Ten Shillings currency, shall not be bound to receive more than that amount in such Silver Coins in payment of such notes if presented for payment at one time, although each or any of such notes be for a less sum.

Copper Coins
of United
Kingdom.

X. And be it enacted, That the Copper Coins of the United Kingdom shall, while lawfully current therein, pass current and be a legal tender in this Province, to the amount of One Shilling currency and no more in any one payment, at the following rates, that is to say: the Copper Penny for two Cents, the Copper Half Penny for one Cent, and any other subdivisions of the said Copper Penny for proportionate sums: Provided always, that any Copper Coins of like weights with those aforesaid respectively, which Her Majesty may direct to be struck for the purpose, shall pass current and be a legal tender in this Province, at the like rates and to the like amount in any one payment: and that if such Copper Coins be struck, Her Majesty may, if she see fit, declare by Proclamation that the Copper Coins of the United Kingdom shall not be lawful money of this Province after a day to be appointed in such Proclamation.

Proviso:
Her Majesty
may order
other Copper
Coins to be
struck.

Rates at
which Ameri-
can Gold
Coins shall
pass.

XI. And be it enacted, That the Gold Eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, and weighing eleven penny weights, six grains Troy weight, shall pass current and be a legal tender in this Province for ten Dollars and sixty-six cents and two thirds of a cent, or two pounds thirteen shillings
and

and four pence, currency, and the Half Eagle of like date and proportionate weight, for one half the said sum : and the Gold Eagle of the said United States, coined after the day last mentioned, and before the first day of January, one thousand eight hundred and fifty-two, or after the said day but while the standard of fineness for Gold Coins then fixed by the laws of the said United States shall remain unchanged, and weighing ten penny weights, eighteen grains, Troy weight, shall pass current and be a legal tender in this Province for ten Dollars or two pounds ten shillings currency ; and the Gold Coins of the said United States, being multiples or halves of the said Eagle, and of like date and proportionate weight, shall pass current and be a legal tender in this Province for proportionate sums.

XII. And be it enacted, That Her Majesty may at any time declare by Proclamation, that any or all of any other Gold Coins of the said United States or of any other Foreign Nation or State, shall pass current and be a legal tender in this Province, at rates in currency to be assigned to them respectively in such Proclamation, when of the weights to be also assigned therein, such rates being proportionate to the quantity of pure gold in such coins, reckoning ninety-two grains, and eight hundred and seventy-seven thousandths of a grain of pure gold as equivalent to one pound currency.

Other foreign Gold Coins may be made current by Proclamation.

XIII. And be it enacted, That if any person shall colour or gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold or of coarse silver, or of base metal, resembling any coin made or declared to be current by this Act, or shall make or cause to be made, or shall buy, sell or procure for himself or for another, or shall knowingly bring and import, or cause to be brought and imported into this Province, any forged, false or counterfeit gold, silver or copper coin, like to any of the gold, silver or copper coin made or declared by this Act to be lawfully current, or any coin of coarse gold or of coarse silver, or of base metal colored, gilded or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such coin, or any piece of gilded silver resembling any such coin, or shall utter or attempt to utter, or tender in payment to any person or persons (as being any of the gold, silver or copper coins hereby made or declared to be current money,) any false or counterfeit piece, counterfeited to any of the gold, silver or copper coins made or declared to be current by this Act, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, such person shall be guilty of a misdemeanor, and on being duly convicted shall be liable to be imprisoned and kept at hard labour in the Provincial Penitentiary for not less than three nor more than fourteen years, in the discretion of the Court before which the conviction shall be had ; and if such person shall afterwards offend in like manner, he or she shall for such

Punishment of persons counterfeiting Coin, or uttering counterfeit Coin.

second or for any subsequent offence, be deemed guilty of felony, and on being thereof duly convicted, shall be liable to be imprisoned in the said Penitentiary for life, or for any term not less than fourteen years, in the discretion of the Court before which the conviction shall be had.

Punishment of persons making dies, stamps, &c., for counterfeiting or having them in possession.

XIV. And be it enacted, That if any person shall form, make, cut, sink, stamp, engrave, repair or mend, or shall assist in forming, making, cutting, sinking, stamping, engraving, repairing or mending, or shall have in his or her possession, except for some known and lawful purpose, any false or counterfeit coin, counterfeit to any coin lawfully current under the authority of this Act, or any die, press, tool or instrument, or metal or material of any kind, used, constructed, devised, adapted or designed for the purpose of counterfeiting or imitating any Coin which shall be lawfully current under the authority of this Act, such person shall be guilty of a misdemeanor, and shall be liable to punishment accordingly; and the proof that such false or counterfeit coin, or such die, press, tool or instrument, metal or material was formed, made, cut, sunk, stamped, engraved, repaired or mended by or was in the possession of such person for some lawful purpose, shall lie upon him or her.

Power to issue warrants to search for counterfeit Coin, coining Tools, &c.

XV. And be it enacted, That it shall be lawful for any one 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 person or persons is or are or hath or have been concerned in making, counterfeiting or imitating any such Coin as aforesaid, by warrant under the hand of such Justice of the Peace, to cause the dwelling house, room, work-shop, out-house or other building, yard, garden, ground or other place belonging to such suspected person or persons, or where such suspected person or persons shall be suspected to carry on any such making, counterfeiting or imitating, to be searched for any such counterfeit Coin; and if any such Coin or any such die, press, tool or instrument, metal or material as aforesaid shall be found in the possession or custody of any person or persons whomsoever, not having the same for some lawful purpose, it shall and may be lawful to and for any person or persons discovering the same, to seize, and he or they are hereby authorized and required to seize and carry the same forthwith before a Justice of the Peace having jurisdiction within the locality 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 such offence as aforesaid, in any Court of competent jurisdiction, and the same after being so produced in evidence, shall by order of the Court be defaced or destroyed, or otherwise disposed of as the Court shall direct.

Counterfeit Coin tendered

XVI. And be it enacted, That any person to whom any pretended Gold, Silver or Copper Coin shall be tendered in payment,

payment, which shall by the Stamp, Impression, Colour or Weight thereof, afford reason to suspect that the same is false or counterfeit, may cut or break such Coin, and if the same shall be counterfeit, the person who tendered it shall bear the loss, otherwise the person who shall have cut or broken it shall receive it for a sum proportionate to its weight; and if any question shall arise whether such Coin be counterfeit, it shall be determined by any Justice of the Peace, who, if he entertain any doubt in that behalf, may summon three skilful persons, the decision of a majority of whom shall be final.

may be broken, &c.

XVII. And be it enacted, That if any false or counterfeit Coin shall be produced in any Court of Law, the Court shall order the same to be cut in pieces in open Court or in the presence of a Justice of the Peace, and then delivered to or for the lawful owner thereof, if any such lawful owner there be claiming the same.

Counterfeit Coin produced in Court to be broken, &c.

XVIII. And be it enacted, That any person who shall knowingly utter, attempt to utter or offer in payment, as being lawfully current, any Gold Coin of less than its lawful weight, or shall diminish the weight of any such Coin with intent to utter or offer it in payment as lawfully current, shall be guilty of a misdemeanor, and on being duly convicted shall be liable to be punished accordingly.

Wilfully tendering light Coin, to be a misdemeanor.

XIX. And be it enacted, That on any trial for any offence under this Act, it shall not be necessary to call any Officer of the Mint or other person employed in producing the lawful Coin, in order to prove any counterfeit to be such, but the fact may be proved by any evidence which shall be satisfactory to the Jury trying the case.

Evidence in cases of offences against this Act.

XX. And be it enacted, That this Act shall have force and effect upon, from and after the day to be appointed by Her Majesty for that purpose, by Proclamation, and not before.

Commencement of Act.

C A P . C L I X .

An Act to amend the Law for the Sale and the Settlement of the Public Lands.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to amend the Law concerning the Sale and Settlement of the Public Lands: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government* of

Preamble.

of

Acts 4 & 5
V. c. 100, and
12 V. c. 31,
repealed.

And other in-
consistent
enactments.

Free grants
limited.

Determina-
tion of claims
arising out of
repealed Acts,
&c.

Proviso.

Governor in
Council may
fix the price,
&c., of Land.

No agent to
purchase
Lands.

Licenses of
occupation to
be granted in
the first in-
stance: their
effect.

of Canada, and it is hereby enacted by the authority of the same, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for the disposal of Public Lands*, and the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making free grants*, shall be and the said Acts are hereby repealed, together with so much of any other Act or Law as may be inconsistent with this Act.

II. Except as hereinafter provided, no free grant of Public Land shall be made to any person whomsoever.

III. Any claim or claims to land arising out of any Act hereby repealed, or out of and under the authority of any Order in Council or other regulation of the Government heretofore or now in force, shall be adjudged and determined by the Governor, by and with the advice of the Executive Council, or by the Commissioner of Crown Lands in cases or classes of cases referred to his decision by the Governor in Council: Provided always, that hereafter no claim for land not now actually located, shall be entertained whether arising from Militia, United Empire Loyalist, or Military Rights.

IV. The Governor in Council may from time to time fix the price per acre of the Public Lands, and the terms of settlement and payment.

V. It shall not be lawful for any County or Resident Agent for the sale of Public Lands within his division, directly or indirectly, to purchase any land which such Agent shall be appointed to sell as aforesaid, and if such Agent shall offend in the premises he shall forfeit his office.

VI. It shall be lawful for the Commissioner of Crown Lands to issue, under his hand and seal, to any person wishing to purchase and become a settler on any public land, an Instrument in the form of a License of Occupation, and such settler may take and occupy the land therein mentioned and described, subject to the terms and conditions specified in such License, and may maintain actions or suits in Law or Equity against any wrongdoer or trespasser as fully and effectually as he could or might do under a Patent from the Crown, and the said License of Occupation shall be *prima facie* evidence of possession by the settler or his recognized Assignee for the purpose of any such action or suit; and every settler or his assignee, upon the fulfilment of the terms and conditions of his License, shall be entitled to a deed in fee for the land comprised therein, which deed shall, upon his application, be transmitted to him free of expense.

VII. It shall be the duty of the Commissioner of Crown Lands for the time being, to keep a book for the entry, at the option of the parties interested, of the particulars of any assignments made as well by the original nominee, purchaser or locatee, as also by any subsequent assignee or assignees, of any such claim on Lands heretofore located or hereafter purchased in respect thereof, such assignment or assignments being first produced or exhibited to the Commissioner aforesaid, together with an affidavit of the due execution thereof, sworn before any Justice of the Peace, who is hereby fully authorized to administer the oath in this behalf, and such affidavit shall truly express the time of the execution of such assignment or assignments, and thereupon it shall be the duty of the said Commissioner to cause the material parts of every such assignment to be entered or registered in such book of entry or registry, and to endorse on every such assignment a certificate of such entry or registration; and every such assignment so entered or registered shall be valid against any one of a previous date or execution, but not then entered or registered; and in all cases of such assignments being duly registered, it shall and may be lawful that the patent issue in the name of such assignee or assignees; Provided always, that in case the subscribing witness or witnesses to any such assignment shall be deceased, or shall have left the Province, it shall and may be lawful for the said Commissioner to register any such assignment upon the production of an affidavit or affidavits proving the death or absence of such witness or witnesses, and proving also the handwriting of such witness or witnesses.

Commissioner of Crown Lands to keep a Register of assignments of claims to Lands; on what proof entries shall be made therein; their effect, &c.

Proviso.

VIII. The duties imposed upon the Commissioner of Crown Lands by the preceding Section of this Act, for the registration of assignments of located claims, shall be held to extend to the registration of assignments of claims heretofore located or located hereafter; and all assignments of such locations in Lower Canada executed before Notaries, or before one Notary and two witnesses, shall be deemed sufficient, and shall be registered accordingly; Provided always, that all such assignments shall be unconditional; Provided also, that all Commissioners for taking affidavits in the Superior Courts of Law either in Upper or Lower Canada, shall have the same power and authority for administering oaths in matters relating to the Crown, Clergy and School Lands, as are now exercised by Justices of the Peace.

Duties of Commissioner under next preceding section extended to certain cases.

Proviso.

Proviso.

IX. Notwithstanding any thing in this Act contained, it shall and may be lawful for the Governor of this Province, with the advice of the Executive Council, to appropriate as free grants any Public Lands in this Province to actual settlers, upon or in the vicinity of any Public Roads in any new settlements which shall or may be opened through the Lands of the Crown, under such regulations respecting such settlements as shall from time to time be made and declared by the Governor

Free Grants may be made to settlers on certain new Roads.

Proviso. Governor of this Province in Council: Provided always, That no free grant shall exceed one hundred acres.

Lands may be set apart for Markets, Gaols and other public purposes.

X. It shall be lawful for the Governor, by and with the advice of the Executive Council, to set apart and appropriate such of the said Public Lands as shall be deemed expedient to be so set apart and appropriated for the Site of Market Places, Gaols, Court Houses, places of public worship, burying grounds, Schools, and for other like public purposes, and at any time before the issue of Letters Patent therefor, to revoke such appropriation and setting apart as may seem expedient, and to make free grants for the purposes aforesaid, the trusts and uses for which the grants shall be made being expressed in the Letters Patent granting the Lands therein specified: Provided always, That no such grant for any such purpose shall be for a greater quantity of Land than ten acres for every one of the purposes aforesaid, in any one instance in which, or for any one occasion for which Land shall be granted as aforesaid.

Proviso.

Governor in Council may revoke Licenses in case of fraud, &c.

XI. It shall be lawful for the Governor in Council, if he shall be satisfied that any such settler, or his recognized Assignee, has been guilty of fraud, or has violated any of the terms or conditions of his License of Occupation, to revoke such License, and resume the land therein mentioned and dispose of the said land, as if such License had never been issued; and no claim in Equity by any settler, or the Assignee of any settler shall be pleadable in any Court against a forfeiture and revocation under this Act, but the settler shall be deemed and taken to be as against the Governor in Council, or Commissioner of Crown Lands, or any person claiming under the said Commissioner a mere tenant at will.

Mode of obtaining possession if the settler shall refuse to deliver up the land on the revocation of his License.

XII. When any settler or other person shall refuse or neglect to deliver up possession of any land after the revocation by the Governor in Council of the License of Occupation as aforesaid, it shall be lawful for the Commissioner of Crown Lands to make or cause to be made an application to the County Judge of the County or to a Circuit Judge in the Circuit in which the land lies for an Order in the form of a Writ of Ejectment or of *Habere facias possessionem*, and the said Judge upon proof to his satisfaction that the land in respect of which the application is made was held under a License of Occupation, and that such License has been revoked by the Governor in Council, shall and may grant an Order upon the settler or person, or persons in possession, to deliver up the same to the Commissioner of Crown Lands, or his Agent, and such order shall have the same force and effect as a Writ of *Habere facias possessionem*, and the Sheriff shall and may receive such order and execute the same in like manner as he would receive and execute the said Writ in an action of Ejectment or Petitory Action.

XIII. In all cases where claims to locations of land have been forfeited under any Order in Council or which may hereafter be declared forfeited by order in Council, it shall and may be lawful for the Crown to resume such land under this Act, in manner and form aforesaid; and such land, when so resumed, shall be subject to the provisions of this Act, and be disposed of accordingly; Provided always, that the Governor in Council may, upon the special merits of any case extend a right of pre-emption, to the original locatee, his heirs or assignees, upon such terms and for such price as to him may seem just under the circumstances of the case, or when such forfeiture shall be discovered to have been on an erroneous report, then it shall be lawful to regrant such lot to the original locatee, his heirs or assigns.

Land may be resumed when claim is declared forfeited.

Proviso: privilege to be allowed to Locatee in certain cases.

XIV. It shall be lawful for the Governor in Council to reserve out of the proceeds of the School Lands in any County, a sum not exceeding one fourth of such proceeds, as a fund for public improvements within the County, to be expended under the direction of the Governor in Council, and also to reserve out of the proceeds of unappropriated Crown Lands in any County a sum not exceeding one fifth as a fund for public improvements within the County, to be also expended under the direction of the Governor in Council: Provided always, that the particulars of all such sums, and the expenditure thereof shall be laid before Parliament within the first ten days of each Session: Provided always, that not exceeding six per cent. on the amount collected, including surveys, shall be charged for the sale and management of Lands forming the Common School Fund, arising out of the One Million of Acres of Land set apart in the Huron Tract.

A certain sum may be reserved out of proceeds of School Lands for public improvements in the County.

Proviso.

Proviso.

XV. It shall be lawful for the Governor in Council from time to time as he shall deem expedient to declare that the provisions of this Act or any of them shall extend and apply to the Indian lands under the management of the Chief Superintendent of Indian affairs, and the said Chief Superintendent shall, in respect to the lands so declared to be under the operation of this Act, have and exercise the same powers as the Commissioner of Crown Lands may have and exercise in respect to Crown Lands.

This Act may be extended to Indian Lands, by order in Council.

XVI. The Commissioner of Crown Lands shall cause lists of the Crown, School and Clergy Lots for sale in the several Townships in Canada, to be made out from time to time, and advertised and exhibited in such manner as he may deem most advisable for giving general information on the subject.

Lists of Crown, School and Clergy Lands for sale to be published.

XVII. The Governor may from time to time appoint, during pleasure, all such Agents as he shall find necessary to carry out the provisions of this Act and the Orders in Council made under

Governor may appoint Agents under this Act.

under it, which Agents shall be paid in such manner and at such rates as the Governor in Council may direct.

Erroneous Patents may be cancelled and correct ones issued, when there is no adverse claim.

XVIII. Whenever a Patent has been or may hereafter be erroneously issued or which shall contain any clerical error, misnomer or wrong description of the land thereby granted or intended to be granted, the Governor in Council may upon the Report of the Commissioner of Crown Lands, (there being no adverse claim,) direct the defective Patent to be cancelled and a correct one to be issued in its stead, which said corrected Patent shall relate back to the date of the one so cancelled, and shall have the same legal effect as if it had been issued at the date of such cancelled Patent.

In cases of double grant of the same Land, an equivalent may be granted to the loser.

Proviso.

XIX. In all cases in which Grants or Letters Patent have issued or may hereafter issue for the same land inconsistent with each other through error or mistake, and in all cases of sales or appropriations of the same land inconsistent with each other, the Governor in Council may order a new grant equivalent to the land of which any grantee or purchaser may thereby be deprived: Provided always, that no such claim shall be entertained unless it be preferred within five years after discovery of the error.

Free grant as compensation for loss by erroneous survey.

Proviso.

XX. In all cases wherein by reason of false survey, any grant, sale or appropriation of land has been or may be found to be deficient, the Governor in Council may order a free grant equal in value to the ascertained deficiency; Provided always, that no such claim shall be entertained unless application was or shall be made within five years from the discovery of such deficiency, nor unless the deficiency is equal to one tenth of the whole quantity described to be contained in the particular lot or parcel of land granted.

Court of Chancery in U. C. and Superior Court in L. C. may avoid Patents issued in error.

XXI. It shall and may be lawful for the Court of Chancery in Upper Canada, and for the Superior Court in Lower Canada, upon action, bill or plaint to be exhibited in either of the said Courts respecting grants of land situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, in all cases wherein Patents for lands have or shall have issued through fraud or in error or mistake or improvidence, to decree the same to be void: and upon the registry of such decree in the office of the Provincial Registrar, such Patents shall be deemed void and of none effect to all intents and purposes whatsoever; and that the practice and proceeding in Court, in such cases, shall be regulated by orders to be from time to time made and issued by the said Courts respectively: and any action or proceeding commenced under the twenty-ninth section of the Act intituled, *An Act for the disposal of Public Lands*, may be continued under this section, by which the provisions

Practice in such cases.

Pending proceedings continued: 4 & 5 V. c. 100.

provisions of the said twenty-ninth section are re-enacted, and which, for the purpose of any such action or proceeding, shall be construed as merely continuing in force the said twenty-ninth section.

XXII. All affidavits required under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits or Agent of the Commissioner of Crown Lands. Before whom affidavits under this Act may be made.

XXIII. The Governor in Council shall require from the Commissioner of Crown Lands and from every Agent appointed under him, security for the due performance of his duty; Provided always, that all securities heretofore given under any Act hereby repealed, shall nevertheless continue valid and in full force. Commissioner of C. L. and Agents to give security. Proviso.

XXIV. The Commissioner of Crown Lands shall transmit in the month of January in each year to the Registrar of every County or Registration District and Secretary-Treasurer of any Municipality in Lower Canada, a list of the Clergy and Crown Lands heretofore or hereafter sold or for which licenses of occupation shall be granted in such County or Registration District, and upon which a payment has been made; which said Crown, Clergy and School lands shall be liable to the assessed taxes in the Townships in which they respectively lie from the date of such license or sale; and the Commissioner of Crown Lands shall in like manner apprise each Registrar of the cancellation of any License of Occupation or Patent. Commissioner to transmit yearly to County Registrars, lists of lands sold, &c.

XXV. It shall and may be lawful for the Governor in Council from time to time to make such Orders as may be necessary to carry out the provisions of this Act according to their obvious intent and meaning or to meet any cases which may arise and for which no provision is made by this Act: Provided always, that such Orders shall not be inconsistent with this Act; and provided also, that such orders shall be duly published in the Official Gazette and in such Newspapers as the Commissioner of Crown Lands may direct, and be laid before the Legislature within the first ten days of the Session next after the date thereof. Governor in Council may make orders to carry out this Act. Proviso.

XXVI. That in any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, it shall be lawful for the Commissioner of Crown Lands to receive proof in such manner as he may direct and require in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, to report the same to the Governor in Council, and if approved, the Patent may issue to the party named in the Order in Council founded on such report or Proof may be required by Commissioner of Crown Lands in case of application, by the representatives of the Locatee.

And Patent may issue notwithstanding S V. c. 8.

Proviso.

or to his assignee ; any thing in the Act passed in the eighth year of Her Majesty's Reign, and chaptered eight, to the contrary notwithstanding ; Provided always, that nothing in this clause contained shall limit the right of the party claiming a Patent, to make his application at any time to the Commissioners appointed under the Act last cited.

Clergy Reserve Lots may be re-sold, released, &c. on failure by the original purchaser or lessee to fulfil conditions.

Proviso.

XXVII. Whenever it shall be made to appear to the satisfaction of the Commissioner of Crown Lands, that any Clergy Reserve Lot heretofore sold or leased has been abandoned by the original purchaser or lessee, or that such purchaser or lessee has permitted any instalment or any portion of rent to remain unpaid for the period of five years or upwards, or when it shall be made manifest that it is not the intention of the original purchaser or lessee or his assignee to fulfil the conditions of such sale or lease by reason of the principal and interest or the rent amounting in the aggregate to a sum beyond the actual marketable value of the lot, it shall be lawful for the Commissioner of Crown Lands, having first obtained an Order in Council to that effect, to resell such lot as if no sale or lease had ever been made thereof, and the new purchaser shall have the same privileges and right of entry under any license or certificate from the Commissioner of Crown Lands, as would pertain to any license or certificate granted for any other Sale of Clergy Lands under this Act ; Provided always, that all such new sales shall be on the condition that one fifth of the purchase money shall be paid in hand, and the remaining four fifths in four equal annual instalments with interest.

Land Scrip may be received for lands.

Proviso.

XXVIII. The holder or person entitled to any Land Scrip not redeemed, shall be entitled to claim Land in lieu of such Scrip, as he could before the First day of August, one thousand eight hundred and fifty-one, and any such Scrip shall be received in payment of any debt now due, or hereafter to fall due to the Crown, on any Land Sale : Provided always, that the term for receiving any outstanding Scrip for that purpose, shall not extend beyond the First day of July, one thousand eight hundred and fifty-four.

Licenses of occupation, &c. heretofore granted, to remain in force.

XXIX. All Licenses of occupation, certificates or receipts heretofore granted by the Commissioner of Crown Lands, for money received by him on the Sale of Indian, Crown, School or Clergy Lands, or any location ticket, shall have the same force and effect, and shall enure to the benefit of the party to whom the same was granted, or to his assignee, in the same manner and to the same extent, as the Instrument in the form of a License of occupation mentioned in the sixth Section of this Act.

Interpretation Act to apply.

XXX. The Interpretation Act shall apply to this Act.

CAP. CLX.

An Act to amend the Laws relating to Public Works.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to make certain alterations in the provisions of the Acts regulating the Public Works of this Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That notwithstanding the provisions contained in the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Law constituting the Board of Works*, and in another Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to amend the Law constituting the Board of Works,'* it shall be lawful for the Commissioners of Public Works, if they shall deem it expedient, and when thereunto required by the parties bringing claims in any of the cases mentioned in the said Acts, to refer the said claims or any of them to Arbitrators other than the Provincial Arbitrators appointed under the said Acts, which said Arbitrators shall be appointed in the manner following, that is to say :

Preamble.

Notwithstanding 9 V. c. 37, or 10 & 11 V. c. 24, Arbitrators may be appointed otherwise than is provided by the said Acts.

The claimant or claimants shall appoint one Arbitrator, the Chief Commissioner or Assistant Commissioner of Public Works shall appoint another Arbitrator, and the said two Arbitrators so appointed shall appoint a third Arbitrator, and in case of disagreement the said third Arbitrator shall be appointed by a Judge of any Court of Record upon the request of the said two Arbitrators, and the said three Arbitrators so appointed shall have the same powers and authority, for the examination and decision of the said claim or claims, and for the commanding the attendance of and summoning before them, hearing, swearing and examining of witnesses, and requiring the production of all papers and documents, as the said Provincial Arbitrators appointed by virtue of the Act first above cited, have or might have.

Mode in which arbitrators may be appointed.

II. And be it enacted, That every witness summoned by the said Arbitrators to be appointed under this Act, who shall neglect or refuse to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or who shall refuse to produce the documents required of him, shall be liable to the penalty prescribed by the twenty-eighth Section of the said first cited Act, in the same manner, in the same cases,

Their powers. Penalty on witnesses not attending, &c.

Taxation of witnesses.

cases, and subject to the same exemptions and limitations, as in the said Section provided, and the said penalty shall be recovered in the manner therein provided; and the said witnesses shall be entitled to be taxed in the manner therein also provided.

Claimants to give security.

III. And be it enacted, That the claimant or claimants shall be bound to give security to the satisfaction of the Arbitrators appointed under this Act, in the cases provided, and in the manner and for the purposes mentioned in the third Section of the Act hereinbefore secondly cited.

Awards when to be final, and when subject to revision.

IV. And be it enacted, That the award of the Arbitrators appointed under this Act, or a majority of them, shall be final and without appeal, in all cases in which the claim submitted to them shall not exceed Fifty Pounds; and in any case in which such claim shall exceed the said sum of Fifty Pounds, the award of the Arbitrators or the majority of them shall be subject to and governed by all the provisions contained in the said hereinabove first cited Act, with respect to the setting aside or confirming of the awards of Arbitrators, as therein provided for.

Costs, by whom to be paid.

V. And be it enacted, That the costs incurred for any arbitration made by Arbitrators appointed under this Act, shall be borne and paid in the manner provided by the third Section of the said hereinabove secondly cited Act, and taxed in the manner provided by the said Section, or by any other Act of the Legislature made in that behalf, and the remuneration of the said Arbitrators shall be the same as that fixed in the said Section for the said Provincial Arbitrators.

Remuneration of arbitrators.

C A P . C L X I .

An Act to make provision for the erection of certain Public Buildings at Toronto, for the better accommodation of the Government and of the Legislature, at that City.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient that ample accommodation should be provided at Toronto for the residence of the Governor General, for the two Houses of the Provincial Parliament, and for the various Departments of the Public Service, before the time when the Sittings of the Legislature, and consequently the Seat of the Provincial Government, will, under the existing arrangements, be transferred for four years to the said City: And whereas the buildings heretofore used for the said purposes in the said City are wholly inadequate therefor, and the ground on which they stand, is coming rapidly to be within the commercial and business portion of the City, so that while it will be every year less adapted to the purposes to which it has been

been hitherto applied, its value will become so great that it can no longer be so applied with a due regard to economy, at the same time that its application to such purposes would stand greatly in the way of improvements urgently required in the said City for commercial and business purposes; And whereas the site hereinafter mentioned is the most eligible for the purposes aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That a sum not exceeding Fifty Thousand Pounds, (in addition to the sum of Ten Thousand Pounds already appropriated for a new Government House) be appropriated for the purpose of erecting a Government House, a Parliament House, and Buildings for the accommodation of the several Public Departments, with the requisite appurtenances, on such portion of the ground in the said City of Toronto forming part of the University Endowment, and lying at the head of the College Avenue, and not required for Collegiate purposes, as may be found requisite for such buildings and the proper appurtenances thereto: and that such portion of the said ground as shall by the Governor in Council be deemed requisite for the purposes aforesaid, shall be set off by the Commissioners of Public Works, and shall be vested in the Crown for the Public uses of the Province.

£50,000 appropriated for certain buildings at Toronto.

Site of such buildings.

II. And be it enacted, That the ground which shall be so set off and taken for the purposes aforesaid, shall be valued by competent persons to be appointed by the Governor, and that the interest of the value thereof so ascertained, at six per cent. per annum, shall be paid yearly out of the Consolidated Revenue Fund to the credit of the University Income Fund, and shall form part thereof.

Ground taken for such site how to be valued and paid for.

III. And be it enacted, That the said sum of Fifty Thousand Pounds shall be paid out of the Permanent Fund appropriated for the support of the said University and University College, and that the interest thereon at six per cent. per annum, shall be paid yearly out of the Consolidated Revenue Fund to the credit of the University Income Fund; Provided that such portion (if any) of the said Fifty Thousand Pounds as may be required before the said Permanent Fund shall produce a sufficient sum, may be taken in the meantime out of the Consolidated Revenue Fund, to be repaid to the same from the said Permanent Fund.

From what fund £50,000 shall be paid.

Proviso.

Site of present government buildings to be sold, &c.

IV. And be it enacted, That the lands upon which the present Government House and Parliament Buildings at Toronto are situate, with the ground and water lots in front thereof, shall be sold by public auction in such lots and at such time or times and upon such terms and conditions as the Governor in Council shall deem best for the public interest; and the proceeds of such sale shall form part of the Consolidated Revenue Fund, a sufficient amount thereof being invested in Provincial Securities by the Receiver General to produce yearly an amount of interest equal to that payable to the University Income Fund, as hereinbefore mentioned; and the lands so sold shall be granted and conveyed to the respective purchasers by Letters Patent, in which nevertheless any conditions whatever upon which the lands shall have been sold may be inserted, and such conditions shall be enforced by all Courts of Law or Equity, whether they be or be not such as are in other cases held to be consistent with a grant.

Conveyance to purchasers: Conditions may be inserted.

Accounting clause.

V. And be it enacted, That all sums payable under this Act out of any public moneys in the hands of the Receiver General shall be paid upon Warrant of the Governor; and that all sums of money expended under 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 direct, and that an account thereof shall be laid before both Houses of the Provincial Parliament within fifteen days after the opening of the then next Session thereof.

C A P . C L X I I .

An Act to encourage the issue by the Chartered Banks in this Province, of Notes secured in the manner provided by the General Banking Law.

[Assented to 14th June, 1853.]

Preamble.

Banks may issue notes, or notes of a certain kind, beyond the

WHEREAS it is expedient to encourage the Chartered Banks in this Province to issue and circulate Bank Notes secured in a manner as nearly similar as circumstances will permit to that provided by the general laws now in force for regulating the business of Banking: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any Chartered Bank in this Province, the total amount of whose Bank Notes of all values, to be issued and in circulation at any one time, is by its Charter or Act of Incorporation

or

or any Act amending the same, limited to the amount of its paid up Capital,—or the total amount of whose Bank Notes each for less than some, assigned sum, to be issued and in circulation at any one time, is by any such Act limited to a certain sum or to a certain proportion of its capital,—to issue and have in circulation at any time any further amount of such Bank Notes beyond the amount limited in either of the said cases, not exceeding in either case or in both together, the sum which such Bank shall then have on hand in gold and silver coin or bullion and Debentures receivable in deposit for registered Bank Notes under the laws for regulating the business of Banking, the value of such Debentures to be reckoned at par; but it shall not be necessary that such coin or bullion or Debentures be deposited with the Receiver-General, or that the Bank Notes to be so issued be registered.

amount limited by their charters,—on certain conditions.

II. And be it enacted, That the duty payable by any Bank under the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for levying a certain rate or duty on Bank Notes issued and in circulation in this Province*, on its Bank Notes issued and in circulation, shall be calculated and paid only upon the sum by which the average amount of its Bank Notes in circulation during any period, shall have exceeded the average amount of the gold and silver coin and bullion and of such Debentures as aforesaid which such Bank shall have had on hand during the same period.

Duty under 4 & 5 V. c. 29, reduced in certain cases.

III. And be it enacted, That so much of the Act last cited, or of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to exempt the several Chartered Banks from the tax on their circulation on certain conditions*, or of any other Act or Law, as may be inconsistent with this Act, shall be and is hereby repealed.

Inconsistent enactments of 14 & 15 V. c. 70, or other Acts repealed.

CAP. CLXIII.

An Act to provide for the making of certain Annual Returns to the Government.

[Assented to 14th June, 1853.]

WHEREAS it is desirable that the public should be in possession of full information respecting the Revenue and Expenditure of the Municipalities, of all Public Institutions and of every branch of the public service within this Province, the sources from whence derived and the objects for which expended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of

Preamble.

Clerks of Municipalities in U. C. to make certain Returns to County Clerks.

the United Kingdom of Great Britain and Ireland, and intitled: *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be the duty of the Clerk of every Township, Village or Town in Upper Canada, within one week after the first day of January, every year, to make a Return to the Clerk of the County in which such Municipality is situate, of all the particulars respecting his Municipality for the year then last past, contained in the Schedule marked A, appended to this Act.

County Clerks to make Returns to Provincial Secretary.

II. That the Clerk of every County in Upper Canada shall, before the first day of February, prepare and transmit to the Provincial Secretary a Statement of the said particulars respecting all the separate Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole County, and he shall also make at the same time a Return of the same particulars respecting his County, as a separate Municipality.

Clerks of Cities in U. C. and of Municipalities in L. C. to make Returns to Provincial Secretary.

III. That the Clerk of every City in Upper Canada, and the Secretary-Treasurer or Clerk of the Municipality or Corporation of every County, City, Town, Village, Township or Parish in Lower Canada shall, before the first day of February every year, make a Return to the Provincial Secretary of the same particulars respecting his County, City, Town, Village, Township or Parish.

Account of U. C. Fee Fund to be furnished to Provincial Secretary.

IV. That the proper Officer shall, before the first day of February, in every year, furnish the Provincial Secretary with a Statement for the year then last past of the gross amount received from the Fee Fund in Upper Canada, and of the expenses of the Administration of Justice paid out of the same, together with the excess or deficiency, as the case may be, distinguishing in such Statement the several Cities, Towns, Counties or other Municipalities from and on account of which such sums were received and paid.

Also Returns of Jesuits' Estates Fund, &c.

V. That the proper Officers shall, on or before the first day of February, every year, return to the Provincial Secretary a Statement in the form given in Schedule B., respecting the Jesuits' Estates, and the Common and Grammar School Funds.

Penalty on persons failing to make such Returns.

VI. That the Treasurer of any County in Upper Canada shall be authorized to retain in his hands any moneys payable to any Municipality, if it shall be certified to him by the Clerk of the County that the Clerk of such Municipality has not made the Returns hereinbefore required; and the Receiver General shall be authorized to retain in his hands any moneys payable to any Municipality if it shall be certified to him by the Provincial Secretary

Secretary that the Clerk of such Municipality has not made the Returns hereinbefore required; and any person hereinbefore required to make any Return by a particular day, who shall fail to make such Return as required, shall be liable to a penalty of not more than Five Pounds, to be paid to the Receiver General for the use of the Province, which penalty may be sued for and recovered by the Crown in any Court of competent jurisdiction.

VII. That the Provincial Secretary shall, within ten days after the commencement of every session, lay before both Houses of the Legislature a copy of all the Returns hereinbefore required to be made. Copies to be laid before Parliament.

SCHEDULE A.

1. Number of persons assessed.
2. Number of acres assessed.
3. Total of rentals of real property.
4. Total of yearly value other than rentals of real property.
5. Total actual value of real property.
6. Total of taxable incomes.
7. Total value of personal property.
8. Total yearly value of personal property.
9. Total amount of assessed value of real and personal property.
10. Total amount of taxes imposed by By-laws of the Municipality.
11. Total amount of taxes imposed by By-laws of the County Council.
12. Total amount of taxes imposed by By-laws of any Provisional County Council.
13. Total amount of Lunatic Asylum or other Provincial tax.
14. Total amount of all taxes as aforesaid.
15. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
16. Total amount of income from licenses.
17. Total amount of income from public works.
18. Total amount of income from shares in incorporated Companies.
19. Total amount of income from all other sources.
20. Total amount of income from all sources.
21. Total expenditure on account of roads and bridges.
22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated Company.
24. Total expenditure on account of schools and education, exclusive of School Trustees rates.
25. Total expenditure on account of the support of the poor or charitable purposes.

26. Total expenditure on account of Debentures and interest thereon.
27. Total gross expenditure on account of Administration of Justice in all its branches.
28. Amount received from Government on account of Administration of Justice.
29. Total nett expenditure on account of Administration of Justice.
30. Total expenditure on account of salaries, and the expenses of Municipal Government.
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by Debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds.
36. Total value of real property belonging to Municipality.
37. Total value of stock in incorporated Companies owned by Municipality.
38. Total value of debts due to Municipality.
39. Total amount of arrears of taxes.
40. Balance in hands of Treasurer.
41. All other property owned by Municipality.
42. Total assets.

N. B.—Columns 2 to 9 are the headings of the different columns in the Assessment Rolls, and will vary according to the form of the Assessment Rolls required by Law.

SCHEDULE B.

1. The number of acres of land originally granted and date thereof.
2. The number of acres sold, rate per acre and amount.
3. Amount of money received, how and where invested.
4. What amount still due on original sales.
5. The amount of capital producing income, and amount of capital expended without producing income, up to the 31st December, of the then last year.
6. The amount of income for the then last year, from what sources, amount expended and for what purposes, in detail.

CAP. CLXIV.

An Act to prohibit the sale of Intoxicating Liquors on or near the line of Public Works in this Province.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is desirable to restrain the sale and use of Intoxicating Liquors in the neighborhood of Public Works where large bodies of men are necessarily gathered together: Be it therefore enacted by the Queen's Most Excellent

Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons, except only such persons as shall have been legally licensed so to do before the passing of this Act, and only while the licenses they then hold respectively shall remain in force, to barter, sell, exchange or dispose of in any manner whatever, directly or indirectly, to any other person any alcoholic, spirituous, vinous, fermented or other Intoxicating Liquor, or any mixed Liquor a part of which is spirituous, or vinous, fermented or otherwise intoxicating, (and every such Liquor or mixed Liquor shall be included in the expression "Intoxicating Liquor" when used in this Act,) nor to expose, keep or have in his possession for sale, barter or exchange, any Intoxicating Liquor, at any place not included within the limits of any City, incorporated or other Town or Village, and being within three miles of the line of any Railway, Canal, or other Public Work in progress of construction, whether such work be constructed by the Government of this Province, or by any incorporated Company, or by private enterprise; nor shall any person, after the passing of this Act, obtain or receive a license, to sell any Intoxicating Liquor at any such place as aforesaid, and any such license, if granted after the passing of this Act, shall be utterly null and void, and the holder thereof shall be deemed to have no license: Provided always, firstly, That if any doubt shall at any time arise as to whether any work then in progress does or does not come within the scope and meaning of this section, it shall be lawful for the Governor of this Province, if he shall see fit, to declare by Proclamation that such work is within the scope and meaning of this section, and that the prohibition herein contained applies to any place within three miles of the line thereof, which line may be described and defined in such Proclamation, and the declaration contained in such Proclamation shall have the like force as if contained in this Act, and the said prohibition shall apply accordingly: but nothing in such declaration shall be construed as a declaration that such work or any part thereof was not within the scope and meaning of this section before the issuing of such Proclamation, but the question whether it was or was not so shall be decided as if such Proclamation had not issued; And provided secondly, that this Section shall not extend to any person selling Intoxicating Liquors by wholesale, and not retailing the same, if such person be a licensed Distiller or a Brewer, nor shall it extend to prevent the renewal of the license of any House or Shop licensed at the time of the passing of this Act, or of Houses or Shops which have been usually licensed heretofore.

Intoxicating Liquors not to be sold within a certain distance of any Public Work in progress of construction.

Proviso: Governor may declare any work within the scope of this Act.

Proviso.

Penalties for
contravention
of this Act ;
and how re-
coverable, &c.

II. Any person who shall, in contravention of this Act, by himself, his clerk, servant or agent, expose or keep for sale or barter, or shall sell, dispose of, give or exchange for any other matter or thing, to any other person any Intoxicating Liquor, shall be liable to a fine of Five Pounds on the first conviction, Ten Pounds on the second, and on the third and every subsequent conviction to such last mentioned fine and imprisonment for a period not more than six calendar months, such fine to be paid over to the Chamberlain, Treasurer, Clerk or Secretary-Treasurer, of the Municipality in which the offence shall be proved to have been committed, for the use of the Municipality, and to be applied to such public purposes as the Council thereof may direct, and in default of payment of any fine and costs imposed under this Act, with the costs of prosecution, at the time of conviction, the offender shall be imprisoned until the same be paid, under warrant of the Justice, Reeve, Mayor, Police Magistrate, Recorder, or Judge before whom the conviction shall be had: Provided that no person shall be imprisoned for any separate offence under this Act for fine or costs, or both, or for fine and costs, for a period exceeding six calendar months.

Proviso.

Agents pun-
ishable as
principals.

III. If any clerk, servant or agent, or other person in the employment or on the premises of another, shall sell, dispose of, or exchange for any other matter or thing, or assist in selling, disposing of, exchanging for any other matter or thing, any Intoxicating Liquor in contravention of this Act, for the person in whose service or on whose premises he may be, he shall be held equally guilty with the principal, and shall suffer the like penalty.

Who may
hear and de-
cide cases
under this
Act.

IV. Any Justice of the Peace, any Reeve or Mayor of a Township, Village or other Municipality, any Police Magistrate, a Recorder of any City or Town, any Judge of a Circuit or Division Court, shall and may hear and determine in a summary manner any case arising within his or their jurisdiction under this Act; and every person who shall make complaint against any other person for contravening this Act or any part or portion thereof, before such Justice, Reeve, Mayor, Police Magistrate, Recorder or Judge, may be admitted as a witness, and if the Justice, Reeve, Mayor, Police Magistrate, Recorder, Judge or Commissioner, before whom the examination or trial is had, shall so order (as he may if he shall think there was probable cause for the prosecution) the defendant shall not recover costs though the prosecution fail.

Costs.

On what con-
ditions only
an appeal shall
be allowed.

V. No Appeal shall be allowed to any person complained of or convicted under this Act, unless he shall enter into a Recognizance or Bond to the Municipality in which the offence is alleged to have been committed, in the sum of Twenty-Five Pounds, jointly and severally, with two good and sufficient sureties, to prosecute his appeal, and to pay all costs, fines and penalties

penalties that may be awarded against him upon the final determination of the case; and no Recognizance or Bond shall be taken except by the Justice, Reeve, or Police Magistrate, Recorder or Judge before whom the complaint was made or the offender tried, and the security shall be to his satisfaction, and if the appeal shall not be successful, the Recognizance or Bond shall be forfeited, and the amount thereof shall become a debt due to the Municipality within which the offence was committed, recoverable by action by and in the name of the Municipality, and it shall be the duty of the Secretary-Treasurer, Clerk, or Treasurer, or Chamberlain of such Municipality to prosecute the same, and the money shall be applied in the same manner as the fines hereinbefore mentioned: And if the Recognizance or Bond mentioned in this Section shall not be given before or within three days after conviction, order made or judgment rendered, the Appeal shall not be allowed.

VI. If any three persons being voters or entitled to vote at any Municipal election of the Municipality within which the complaint is made, shall make oath or affirmation before any Justice, Reeve, Mayor or Police Magistrate, Recorder or Judge of a Circuit Court or Division Court, that they have reason to believe and do believe that any Intoxicating Liquor intended for sale or barter in contravention of this Act, is kept or deposited in any Steamboat or other vessel, or in any carriage or vehicle, or in any store, shop, ware-house, or other building or place in such Municipality, or on any river, lake or water adjoining the same, at any place within which such Intoxicating liquor is by this Act prohibited to be sold or bartered or kept for sale or barter, the said Justice, Mayor, Reeve, Police Magistrate, Recorder, or Judge shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed to search the premises, steamboat, vessel or place described in such Warrant, and if any intoxicating Liquor be found therein, he shall seize the same and the barrels, casks or other packages in which it may be contained, and convey them to some proper place of security, and there keep them until final action is had thereon; but no dwelling house in which, or in part of which a shop or bar is not kept, shall be searched, unless one at least of the said complainants shall testify on oath to some act of sale of Intoxicating Liquor therein or therefrom in contravention of this Act within one calendar month of the time of making the said complaint; and the owner or keeper of the Liquor seized as aforesaid, if he shall be known to the Officer seizing the same, shall be summoned forthwith before the Justice or person by whose Warrant the Liquor was seized, and if he fail to appear, and it appears to the satisfaction of the said Justice or person who issued the Warrant that the said Liquor was kept or intended for sale or barter, in contravention of this Act, it shall be declared forfeited with any package in which it is contained, and shall be destroyed by authority of the written Order to that effect

Search for
Liquors al-
lowed in cer-
tain cases.

Owner of Li-
quor found to
be summoned.

Destruction of Liquors found to be illegally kept.

Fine.

Proceedings if the owner be unknown, &c.

Destruction of Liquors found to be forfeited.

Payments for Liquors illegally sold, &c. in contravention of this Act, to be void.

Witnesses may be compelled to appear in cases under this Act.

effect of the said Justice, Reeve, Mayor, Police Magistrate, Recorder or Judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the Officer by whom the said Liquor shall have been destroyed, in attesting that fact upon the back of the Order by authority of which it was done; and the owner or keeper of such Liquor shall pay a fine of Ten Pounds and costs, or be committed to prison for three calendar months in default thereof.

VII. If the owner, keeper or possessor of Liquor seized under the provisions of this Act shall be unknown to the Officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure shall have been advertised, with the number and description of the package as near as may be, for two weeks, by posting up a written or printed notice and description thereof in at least three public places, and if it shall be proved within such two weeks to the satisfaction of the Justice, Reeve, Mayor, Police Magistrate, Recorder or Judge by whose authority such Liquor was seized, that it was not intended for sale or barter in contravention of this Act, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor upon the back of the Warrant, which shall be returned to the said Justice or person who issued the same; but if after such advertisement as aforesaid, it shall appear to such Justice, Reeve, Mayor, Police Magistrate, Recorder or Judge, that such Liquor was intended for sale or barter, in contravention of this Act, then such Liquor, with any package in which it is contained, shall be forfeited, condemned and destroyed.

VIII. Any payment or compensation for Liquor sold or bartered in contravention of this Act, whether in money or securities for money, labor or property of any kind, shall be held and considered to have been received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the receiver by the party making, paying or furnishing the same, and all sales, transfers, conveyances, liens and securities of every kind which either in whole or in part shall have been given for or on account of Intoxicating Liquor sold or bartered in contravention of this Act, shall be utterly null and void against all persons and in all cases, and no right of any kind shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for or on account of Intoxicating Liquor sold or bartered in contravention of this Act.

IX. It shall be lawful for any Justice of the Peace, Reeve, Police Magistrate, Recorder or Judge authorized to hear and determine offences against this Act, to summon any person who may be represented to him as a material witness in relation to any offence against this Act, and if such person shall refuse

refuse or neglect to attend, pursuant to such Summons, the Justice, or person authorized to try the offence, may issue his Warrant for the arrest of the person so summoned, and such person shall be brought before the Justice or person issuing the Warrant, and if he shall refuse to be sworn or to affirm, or to answer any question touching the matter under investigation, he may be committed to the common gaol, there to remain until he shall consent to be sworn or to affirm and answer; And all the provisions of any Act or Acts for the protection of Justices of the Peace when acting as such, or to facilitate proceedings by or before them, in matters relating to summary conviction and orders, shall in so far as they may not be inconsistent with this Act, apply to every Functionary mentioned in this Section or empowered to try offenders against this Act, and such Functionary shall be deemed a Justice of the Peace within the meaning of any such Act, whether he be or be not a Justice of the Peace for other purposes.

Provisions of Acts for protection of Justices, extended to cases under this Act.

X. That whenever judgment shall be rendered for costs, there shall be included therein fees for such prospective services as shall be necessary to enforce such judgment.

Costs of enforcing judgment to be included.

XI. Upon judgment or affirmance of any appeal, and for any other proceeding under this Act which shall be had before a Justice, Reeve or other Functionary, the costs shall be the same as are now by law allowed for proceedings of a like nature, and in actions and proceedings in any higher Court, the costs shall be the same as are usually allowed in such Court.

Costs under this Act.

XII. No action or other proceeding, Warrant, Judgment, Order or other Instrument or Writing, authorized by or which may be necessary to carry out the provisions of this Act shall be held void, or be allowed to fail for defect of form, but all Justices, Municipal Councils, Judges and Courts, and all Public Functionaries or Officers who may be required to perform any duty under this Act, shall regard the same as a remedial Statute, and shall so construe its provisions as to advance the remedy, and suppress the mischief mentioned in the Preamble thereof.

Actions and proceedings not to be void for want of form.

XIII. And be it enacted, That so much of each and every Act and provision of law now in force in any part of this Province, as shall be inconsistent with any provisions of this Act, shall be and is hereby repealed.

Inconsistent enactments repealed.

C A P . C L X V .

An Act more effectually to prevent the Desertion of Seamen.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to provide more effectually for the prevention of the desertion of Seamen at the Port of Quebec : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any person who shall directly or indirectly persuade, procure, aid or solicit any Seaman or Apprentice to desert or leave his Ship, shall incur a penalty of not more than Ten Pounds nor less than Five Pounds currency, for every Seaman or Apprentice who shall desert or whom he shall persuade, procure, aid or solicit to desert.

Penalty for soliciting, &c. Seaman to desert.

Penalty for harbouring deserters.

II. Any person who shall knowingly harbour or secrete any Seaman or Apprentice who shall have deserted from his Ship, shall for every such offence incur a penalty not exceeding Ten Pounds nor less than Two Pounds currency.

Loitering near Vessels, receiving clothes, &c.

III. Any person found loitering near any Vessel in a Boat or other Water Craft, and not giving a satisfactory account of the business he may have there, or who shall take or receive any clothing or other articles from on board any Vessel without the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and shall be imprisoned during a period not exceeding three months nor less than one month.

Boats, &c., found so loitering may be detained until penalty be paid.

IV. The Inspector and Superintendent of Police may order any Boat or other Water Craft in or on which any such person or clothing or other articles mentioned in the next preceding section, and unlawfully taken from any vessel, shall be found or may have been conveyed, to be detained until the full payment of the fine which such person shall be condemned to pay, and in case such fine shall not be paid before the expiration of the term of imprisonment to which such person shall have been condemned, such Boat so detained, shall be sold by Public Auction, and the proceeds of the sale thereof shall be appropriated to the payment of such fine.

Penalty on persons going on board vessels without

V. Any person other than such persons as are duly authorized by law, who shall go on board any Vessel arriving at or being in the Port of Quebec, for any other purpose than that of passing from such Vessel to another lying alongside, without the

the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Twenty Pounds nor less than Two Pounds currency; and every such Master or person in charge of such Vessel, is hereby authorized to take into custody any person so offending, and deliver him forthwith to the custody of any Peace Officer, to be by him taken before any Justice of the Peace, provided that if any such offender be arrested after the hour of five in the evening and before the hour of eight in the morning, or at any time during Sunday or a Holiday, he shall be detained at the nearest Police Station until the hour of ten in the forenoon, next following such arrest or Sunday or Holiday, then to be brought before any Justice of the Peace.

lawful authority: such persons may be detained.

VI. The Owner, Master or person in charge of any Vessel who shall pay in advance in any manner whatsoever other than in money, or make or deliver any note, bill, order, promise, undertaking or otherwise for the payment of any part of the wages of any Seaman hired or engaged to be entered on board the said Vessel, before the Ship's Articles shall have been duly signed by such Seaman and by the Owner, Master or person in charge of such Vessel, or shall make an advance in money to any Seaman of any sum larger than One Pound currency, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and all payments and promises of payment, bills, notes or orders, made contrary to the above provisions, shall be to all intents and purposes null and void, whether in the hands of the person to whom they were made or delivered or of any third party: and any person paying any such bill, note, order or undertaking, knowing it to be void under this Act, shall thereby incur the penalty aforesaid.

Payments in advance to Seamen must be in money only; and advances in money limited.

Penalties for contravention.

VII. No debt exceeding the sum of Five Shillings currency, incurred by any Seaman or Apprentice, shall be recoverable in any Court or pleadable by way of set-off by any Keeper of a Tavern or House of Public Entertainment, or Lodging-House.

Amount recoverable from Seamen by lodging-house keepers limited.

VIII. The wearing apparel of any Seaman or Apprentice shall not be kept by any Keeper of a Tavern, House of Public Entertainment or Lodging-House, in pledge for any debt or expenses incurred to any greater amount than Five Shillings currency, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such Seaman or Apprentice.

Wearing apparel of Seamen, not liable for lodging, &c., beyond five shillings.

IX. And be it enacted, That all penalties imposed by this Act may be recovered with costs before any Justice of the Peace, upon the oath of any one credible Witness other than the Informer, and shall be paid over, one moiety to the Receiver General of the Province, and the other half to the Informer.

Recovery and application of penalties.

C A P . C L X V I .

An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of Sick Mariners.

[Assented to 14th June, 1853.]

Preamble.

Act of L. C.
6 W. 4, c.
35.

Canadian
Vessels trad-
ing to Ports in
B. N. A. ex-
empted from a
certain duty
under the said
Act.

WHEREAS the duty imposed by the Act of the Parliament of Lower Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to provide for the Medical Treatment of Sick Mariners*, for the purpose of creating a fund for defraying the expense of the Medical care and attendance of sick Sailors and Mariners, bears unjustly on the Owners and Masters of Vessels belonging to this Province and trading between either of the Ports of Quebec and Montreal and the other Ports in British North America, inasmuch as neither they nor the Seamen in their employ on board of such Vessels, derive any benefit from the said Act, which was more especially intended for the advantage of sick Sailors and Mariners arriving from Ports beyond the limits of British North America, and who are generally strangers in this Province, and it is therefore expedient to exempt such Vessels from the said duty: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no Vessel of the burthen of two hundred tons or less, belonging to any party in this Province, and trading between either of the said Ports of Quebec and Montreal and any other Port in British North America, shall be subject to the payment of the duty of one penny currency per ton imposed in and by the Act cited in the preamble to this Act, on Vessels arriving in either of the said Ports of Quebec and Montreal, from any Port out of the limits of this Province; any thing in the said Act to the contrary notwithstanding.

CAP. CLXVII.

An Act to amend the Act, intituled, *An Act to amend an Act, intituled, 'An Act to compel Vessels to carry a Light during the night, and to make sundry provisions to regulate the Navigation of the Waters of this Province.'*

[Assented to 14th June, 1853.]

IN amendment of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: *An Act to amend an Act, intituled: 'An Act to compel Vessels to carry a Light during the night, and to make sundry provisions to regulate the Navigation of the Waters of this Province.'* Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That at least one of the Boats provided for and carried with every Steamboat engaged in the transportation of freight and passengers in pursuance of the ninth section of the said Act hereinbefore first cited, shall be a life-boat, made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons, with life-lines attached to the gunwale at suitable distances, and that all of such boats shall be well furnished with oars and other necessary apparatus, and shall be good, substantial and safe boats, and in good condition at all times for service.

Preamble.

14 & 15 V. c. 126.

Description of Boats to be carried by Steamers.

II. And be it enacted, That it shall also be the duty of the Owner and Master of every such Steamboat as aforesaid, to provide and carry with the said Steamboat upon each and every voyage, a good life preserver, made of suitable material, or a float well adapted to the purpose, for each and every passenger, which life preservers and floats shall always be kept in convenient and accessible places in such Steamboats, and in readiness for the use of the passengers; and also at least twenty-five fire-buckets and five axes.

Steamers to carry life preservers.

III. And be it enacted, That every such Steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient to such passengers for their escape to the upper deck, in case of fire or other accident endangering life.

To have means of escaping to upper deck.

IV. And be it enacted, That the foregoing provisions shall have force and effect, upon, from and after the first day of January, one thousand eight hundred and fifty-four, and not sooner.

Commencement of Act.

V.

Governor in Council may limit the number of passengers to be carried by any Steamer.

Proviso.

Penalties for contravening this Act.

V. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the passing of this Act, by an Order or Orders in Council, from time to time to prescribe and regulate the number of Cabin or Steerage or other passengers that may be carried by any Steamboat or class of Steamboat in this Province, either in proportion to the dimensions or tonnage thereof, or both, or otherwise howsoever: Provided always, that no such Order in Council shall have any force or effect, until after it shall have been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette*.

VI. And be it enacted, That the same penalty shall be and the same is hereby attached to the contravention of any of the provisions of this Act, or of any such Order in Council as aforesaid, as is contained in and enacted by the said ninth section of the Act hereinbefore first cited, that is to say, that for every contravention in respect of any Steamer in this Province, on any one voyage or trip thereof of any provision in this Act or in any such Order in Council applicable to such Steamer, the owner or master thereof shall forfeit and pay the sum of Fifty Pounds currency.

CAP. CLXVIII.

An Act to amend an Act to regulate the Culling and Measurement of Timber.

[Assented to 14th June, 1853.]

Preamble.

8 V. c. 49.

Length of Timber to be measured by Cullers as well as girth.

WHEREAS it is expedient to amend in the manner herein-after mentioned the Act of the Legislature of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to regulate the culling and measurement of timber, masts, spars, deals, staves and other articles of a like nature, and to repeal a certain Act therein mentioned*, and to prevent the employment of incompetent persons to perform the duties assigned to Cullers in and by the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in the measurement of Timber, it shall be the duty of the Culler employed for that purpose, to measure not only the girth of each piece of Timber, but also to measure, personally, with the aid of one competent assistant, the length of each piece of Timber, in all cases where such measurement shall be practicable with the aid of only one assistant; and in the event of any case arising in which, the

the opinion of the Supervisor of Cullers or his Deputy, such measurement cannot be effected with the aid of one assistant only, then it shall be lawful for such Culler to employ an additional competent assistant for that purpose, who, as well as the assistant first above mentioned, shall be approved of by the Supervisor of Cullers or his Deputy.

Assistance allowed if necessary.

C A P . C L X I X .

An Act in addition to the General Railway Clauses Consolidation Act.

[Assented to 14th June, 1853.]

WHEREAS it is necessary to make provision for the protection of persons and property passing over Railways from criminal attempts to injure the same and for other purposes connected with Railways in this Province, and to amend the General Railway Clauses Consolidation Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of any Railroad, or break down, rip up, injure or destroy any Railroad track or Railroad bridge or fence of any Railroad, or any portion thereof, or place any obstruction whatsoever on any such rail or Railroad track, or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, every such person so offending, shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labor in the Common Gaol of the Territorial Division in which such offence shall be committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad, shall actually suffer any bodily harm, or any property passing over and along such Railroad shall be injured, such suffering or injury shall be an aggravation of the offence, and shall render such offence a felony, and shall subject the said offender to such punishment by imprisonment in the Provincial Penitentiary for not less than one year nor more than two years, as the circumstances of the case may, in the opinion of the Court before which he shall be convicted, appear to be proportionate to the offence and the mischief occasioned by it.

Preamble.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

And if such damage be actually done.

II. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of any

And if any person be killed any

led or his life be lost, the offence to be manslaughter and punishable as such.

any Railroad, or shall break down, rip up, injure or destroy any Railroad track or Railroad bridge or fence of any Railroad or any portion thereof, or place any obstruction whatever on any such rail or Railroad track or bridge, or shall do or cause to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto shall be stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railroad, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be deemed guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Provincial Penitentiary for any period not more than ten nor less than four years.

Committing any injury, stoppage, &c. to be a misdemeanor.

III. And be it enacted, That if any person shall wilfully and maliciously do or cause to be done, any act whatever whereby any building, fence, construction or work of any such Railroad, or any engine, machine or structure of any such Railroad, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, such person so offending shall be guilty of a misdemeanor, and punished by imprisonment with hard labor not exceeding one year, in the Common Gaol of the Territorial Division in which such offence shall have been committed or tried.

The time allowed for deposit of plans, &c. extended, with power to Commissioner of Public Works to grant a further extension thereof.

IV. And be it enacted, That notwithstanding any thing in the said General Act, or in any Act or Special Act heretofore passed or that hereafter may be passed, incorporating any Railway Company, wherein provision is made for the deposit of surveys, maps and books of reference, in the offices of the Clerks of the Peace and the Secretary of the Province, or in any other place, and wherein a time is specified in any such Act for such deposit, and where such time has elapsed or the Company may have omitted to make such deposit, such Company may extend the period for depositing such surveys, maps and books, absolutely for one year from the passing of this Act, and all surveys, maps and books deposited within the said year after the passing of this Act shall be taken to be as valid and effectual to all intents and purposes as if the same had been duly deposited within the time mentioned in any such Act of Incorporation as aforesaid, and any such omission within such extension, shall not be taken to work any forfeiture of the Charter of any such Company.

Heads of Municipalities not to vote at election of private Directors; unless, &c.

V. And be it declared and enacted, That notwithstanding any thing in the said General Railway Clauses Consolidation Act contained, it has not been, nor is, nor shall be lawful for the Mayor, Reeve or other Chief Officer, or other person representing any Municipality having or taking Stock in any Railway Company incorporated or to be incorporated in this Province, by any Act of this Session, either directly or indirectly to vote on the election or appointment of the private
Directors

Directors of such Company, unless the Special Act of Incorporation of such Company shall expressly provide therefor in the said Special Act.

VI. And be it enacted, That in all cases where Railroads pass any Draw or Swing Bridge over any navigable River, Canal or Stream which is subject to be opened for the purposes of navigation, the Trains shall in all and every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said Bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railroad Company shall be subject to a fine or penalty of One Hundred Pounds.

As to Trains passing Draw-bridges.

VII. And be it enacted, That it shall be the duty of every Railway Company, whether any of the clauses or provisions of the said Act be or be not incorporated with the Act incorporating such Company, to cause all cleared land or ground adjoining their Railway and belonging to such Company, to be sown or laid down with grass or turf, and to cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and to cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same; and if any Railway Company shall fail to comply with the requirements of this Section within twenty days after they shall have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township or County in which such land or ground shall lie, such Company shall thereby incur a penalty of Ten Shillings to the use of such Municipality for each day during which they shall neglect to do any thing which they are lawfully required to do by such notice, and it shall be lawful for the said Mayor, Reeve or Officer, to cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose to enter by himself and his assistants or workmen upon such lands or grounds, and such Municipality may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.

Ground adjoining any Railway and belonging to the Company to be laid down with grass and cleared of weeds, &c.

VIII. And for avoiding doubts under the said Act, Be it declared and enacted, That it is not, and shall not be lawful for any Railway Company, to take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but that with the consent of the Governor in Council, it is and shall be lawful for any such Railway Company, to take and appropriate for the use of their Railway and works, but not to alienate, so much of the wild lands of the Crown not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for their Railway, as also so much of the land covered with the waters of any Lake, River,

Doubts under the said Act (14 & 15 V. c. 51) avoided, as to lands vested in Her Majesty.

Proviso: conditions on which the Company may carry their Railway across any Canal, Rivers, or navigable water.

River, Stream or Canal, or of their respective beds, as may be found necessary for making and completing and using their said Railway and Works; Provided always, That it shall not be lawful for any such Company to cause any obstruction in or impede the free Navigation of any River, Stream or Canal to or across or along which their Railway may be carried, and if such Railway shall be carried across any navigable River or Canal, the Company shall leave openings between the abutments or piers of their Bridge or Viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such Draw Bridge or Swing Bridge over the Channel of the River, or over the whole width of the Canal, and shall be subject to such regulations as to the opening of such Swing Bridge or Draw Bridge as the Governor in Council shall from time to time make, nor is it, nor shall it be lawful for any such Company to construct any Wharf, Bridge, Pier or other work upon or over any navigable River, Lake or Canal, or upon the beach or bed or lands covered with the waters thereof, until they shall have first submitted the plan and proposed site of such work to the Governor in Council, and the same shall have been by him approved; nor shall any deviation from such approved site and plan be made without his consent: Provided always that nothing contained in this section shall be construed to limit or affect any power expressly given to any Railway Company by its special Act of Incorporation or any special Act amending the same: And further provided that nothing herein contained, shall apply to the twenty-second and twenty-third paragraphs of the eleventh Section of the Railway Clauses Consolidation Act.

Proviso.

Proviso.

Any Railway Company may construct Branch Railways, on certain conditions.

IX. And be it enacted, That any Incorporated Railway Company shall be authorized to construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a By-law sanctioning the same shall have been passed by the Municipal Council of the Municipality within the limits of which such proposed branch shall be situate, and any such branch shall not as to the quality and construction of the road be subject to any of the restrictions which may be contained in the Act of Incorporation of such Company or in the Railway Clauses Consolidation Act, nor shall any thing in either of the said Acts authorize any Company to take for such branch any lands belonging to any party without the consent of such party first obtained.

Act to apply to all Railways.

X. And be it enacted, That the provisions of this Act shall from the passing thereof apply to every Railway made or to be made in this Province.

C A P . C L X X .

An Act to restrain the injurious practice of inoculating with the Small Pox.

[Assented to 14th June, 1853.]

WHEREAS it is highly expedient to restrain the injurious practice of inoculating with the natural Small Pox, (*variola*): Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any person who shall produce or attempt to produce, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article or thing impregnated with variolous matter, or wilfully by any other means whatsoever, the disease of Small Pox in any person in this Province, shall be liable to be proceeded against and convicted summarily before any two Justices, and for every such offense shall upon conviction be imprisoned for any term not exceeding one month.

Preamble.

Penalty for inoculating with the small Pox.

II. And be it enacted, That if any person licensed to practise Physic, Surgery or Midwifery in this Province or in any part thereof be convicted of an offence against the provisions of this Act, the license of such person in that behalf shall thereby become null and void and of no effect, and such person shall from and after the date of such conviction be liable to the same penalty in the event of his practising Physic, Surgery or Midwifery in Lower Canada or in Upper Canada respectively, as he would have been liable to for so doing if he had never been licensed to practise the same: Provided always, that it shall be lawful for the Governor General, on the Certificate of the Medical Board in Upper Canada, or for the Provincial Medical Board in Lower Canada, at any time after the expiration of the term of imprisonment of any such person so convicted as aforesaid, again to license such person to practise Physic, Surgery and Midwifery as aforesaid, and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing.

License of offender to become void.

Proviso: License may be again granted.

CAP. CLXXI.

An Act to amend the Act prohibiting the hunting and killing of Deer and other game within this Province, at certain seasons of the year.

[Assented to 14th June, 1853.]

Preamble.
7 V. c. 12.

WHEREAS it is provided in and by the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to prohibit the hunting and killing of Deer and other game within this Province, at certain seasons of the year*, that one moiety of all sums awarded as fines or penalties under the said Act shall be paid to the Treasurer of the District wherein the offence for which such fines or penalties are imposed shall have been committed; And whereas no such officer exists in Lower Canada, and in consequence thereof difficulties have arisen as to the application of the said sums of money, and it is expedient to amend the said Act in that respect in so far as it applies to Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever the offence for which any such fine or penalty shall be imposed shall have been committed in Lower Canada, one moiety of the said fine or penalty shall be paid to the party charging the offence, and the other moiety to the Secretary-Treasurer of the Municipality within the limits whereof the offence shall have been committed, or such other person as the said Municipality may appoint, to be applied to the uses of the said Municipality, and the form of conviction contained in the fifth Section of the said Act shall be and is hereby amended in so far as it relates to the payment of the said moiety.

How the penalty under the said Act shall be applied in L. C.

The said Act amended as regards the season during which Woodcock may be lawfully killed.

II. And be it enacted, That so much of the Act cited in the Preamble of this Act, as relates to the shooting or killing of Woodcock at improper seasons, and the penalties imposed therefor, shall be and is hereby repealed; and if any person shall take, shoot, kill or destroy, or shall sell, offer for sale, buy, receive or have in his or her possession any Woodcock, between the First day of February and the Fifteenth day of August in any year, any such person being convicted of any such offence, shall be subject to the provisions of and to the penalty imposed by the said Act.

At what season only Musk-Rats

III. And whereas it is expedient to prevent the shooting, killing and destroying of Musk-Rats at improper seasons: Be it enacted, That from and after the passing of this Act, it shall

shall not be permitted to any person or persons within the limits of the Counties of Yamaska, St. Maurice, Berthier, Leinster and Richelieu respectively, to kill, shoot or destroy, or to sell, offer for sale, buy, receive or have in his or her possession any Musk-Rat between the Tenth day of May and the First day of November in any year; and any such person who shall, within the limits of the said Counties kill, shoot or destroy, or sell, offer for sale, buy or receive or have in his or her possession any Musk-Rat between the said Tenth day of May and First day of November, shall upon being convicted of such offence, be subject to the fines and penalties imposed by the said Act cited in the Preamble to this Act.

shall be killed in certain Counties.

Penalty for contravening this Section.

C A P . C L X X I I .

An Act to amend the Act for the formation of incorporated Joint Stock Companies for Manufacturing, and other purposes.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to amend the Act passed in the Session of the Provincial Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to provide for the formation of incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes*, and to extend the same to other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act cited in the preamble to this Act, and all and every the provisions thereof as amended by this Act, shall apply and have effect for all Companies which shall be formed as therein mentioned, for the erection of Public Hotels or Baths and Bath Houses, and the opening and using of Salt or Mineral Springs; and that notwithstanding any thing in the said Act contained, the Capital Stock of any such Company fixed and limited in the manner provided by the said Act, shall and may be paid in within a period not exceeding five years from the incorporation of the Company, by such annual instalments and in such proportions as shall be mentioned in the statement or declaration in writing required to be filed in the Office of the Secretary of the Province.

Preamble.

13 & 14 V. c. 28.

Act extended to Companies for certain purposes.

Period for paying in Stock extended.

II. Provided always, and be it enacted, That notwithstanding any thing in the said first cited Act contained, it shall be lawful for any Shareholder, at any time from and after the said incorporation, and within the said period of five years therefrom, to pay up

Shareholders may at any time pay their stock in full: effect of such payment.

up his full Shares in the Company, to the effect whereof a certificate shall be made and registered in the manner provided by the said first cited Act, and which as to such Shareholder and his liability in virtue of the said Act, shall have the same force and effect from the making thereof, as the making and registering of the certificate of the payment of the whole amount of the Capital of such Company.

Provision as to registration in case the operations of the Company be carried on at more than one place.

III. And be it enacted, That where it shall be declared in the statement or declaration in duplicate required to be made by the first cited Act, that the chief-place of business of the said company is established in any City, Town, Village, Parish, Township, Place and County in which a Registry Office is situate, and the operations of the said Company shall be carried on elsewhere in this Province, it shall be lawful and sufficient for the said persons forming the Company to acknowledge the said duplicate, statements or declarations before the Registrar of such City, Town, Village, Parish, Township, Place or County, or his Deputy as required by the said first cited Act, and a copy of such statement or declaration, with the Certificate of the Registrar thereon, and signed by the Registrar, shall be filed by the Registrar, if such there be at the place where such operations are carried on, and shall be of like force and effect as if the personal acknowledgment by such persons of the said Statement or Declaration had been made at the place where the said operations shall be carried on; any thing in any law to the contrary notwithstanding.

C A P . C L X X I I I .

An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to make provision for the formation and registration of Joint Stock Companies for supplying Cities, Towns and incorporated Villages with Gas and Water, and also after such registration to invest such Joint Stock Companies with some of the qualities and incidents of Corporations, and also with certain powers and privileges subject to certain conditions and regulations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any five or more persons who may desire to form a Company for the purpose of supplying

Five or more persons may

supplying any City, Town or incorporated Village with Gas or Water, or both, may make and sign a statement or declaration in writing, in which shall be set forth the corporate name of the said Company and the object or objects thereof, the amount of the Capital Stock of the said Company (which shall not exceed Fifty Thousand Pounds, if Gas or Water only is to be supplied, and One Hundred Thousand Pounds, if both are to be supplied, and shall be divided into shares of Five Pounds each,) the term of its proposed existence (which shall not exceed fifty years,) the number of shares of which the said Stock shall consist, the number and names of the Trustees who shall manage the concerns of the said Company for the first year, and the name of the City, Town or Village in which the operations of the said Company are to be carried on, and shall acknowledge such statement in duplicate before the Mayor or Chief Magistrate of such City, Town or Village, who is hereby authorized to receive such acknowledgment and grant a certificate thereof; and if upon the petition of such persons the Municipal Council of such City, Town or Village shall within thirty days from the date of such acknowledgment make a By-law granting authority to such persons as a Company to lay down pipes for the conveyance of Water or Gas, or both, under the streets, squares and other public places of such Town, City or Village, it shall be the duty of the Register of the County in which the same is situate, on production of one of the duplicates of such statement or declaration, with a proper Certificate of the acknowledgment thereof as aforesaid, endorsed thereon, and a duly certified copy of such By-law attached thereto, to file the same, and make an entry thereof in a book to be kept by him for that purpose; and the other of the said duplicates, with a proper certificate of the acknowledgment thereof, as aforesaid, and of the filing and registration thereof and of the said By-law (a certified copy of which shall be also thereto annexed) as aforesaid, endorsed thereon, shall forthwith be transmitted to and filed in the office of the Secretary of this Province.

agree to form a Company, and sign a declaration containing certain particulars, and acknowledge the same before the Head of the Municipality.

If the Municipality authorize the Company by By-law, the said declaration to be registered, and copy transmitted to Provincial Secretary.

II. And be it enacted, That when the formalities prescribed in the foregoing section of this Act shall have been complied with, the persons who shall have signed the said statement or declaration, and all such persons as shall thereafter become Stockholders of the Company thereby established, shall be a body corporate and politic in law, in fact and in name, by the style and title mentioned in such statement or declaration, and they and their successors and assigns shall and may have the power to purchase and acquire lands, tenements and hereditaments for them and their assigns and successors for the use of the said Gas Works or Water Works or Gas and Water Works, and also to sell and convey any lands so purchased or acquired; Provided always, the lands to be holden by any such Company shall be holden for the purposes for which such Company is incorporated,

Company established.

General corporate powers.

Proviso: amount of

real property
limited.

incorporated, in constructing their necessary works, and for no other purposes whatsoever, and shall not at any time exceed in value Seven Thousand Five Hundred Pounds.

Capital of
such Com-
pany.

III. And be it enacted, That any such Company if for Cities may raise and contribute among themselves such sum as shall not exceed the sum of Seventy-five Thousand Pounds, if the object of the Company be the supplying of Gas or Water only, and One Hundred and Fifty Thousand Pounds, if its object be the supplying of both Gas and Water, in shares of Five Pounds each, and if for Towns and Villages, the sum of Fifty Thousand and One Hundred Thousand Pounds respectively ; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining their said Gas Works or Water Works, or Gas and Water Works, and to no other object or purpose whatever.

Application.

Certified co-
pies of decla-
ration to be
evidence.

IV. And be it enacted, That a copy of any such statement or declaration as aforesaid, registered in pursuance of this Act, certified by the County Register to be a true copy, and of the whole of such statement or declaration, shall be received in all courts and places as *prima facie* evidence of the facts therein stated ; and the compliance with the formalities prescribed in the first Section of this Act shall be conclusively established by the insertion in the *Canada Gazette* of a notice to that effect, proceeding from the office of the Secretary of the Province.

Notice in
Gazette by
Provincial
Secretary to
be evidence
of certain
facts.

Affairs of
Company to
be managed
by Trustees,
elected by
Stockholders,
&c.

V. And be it enacted, That the stock, property and concerns of every such Company as aforesaid shall be managed by not less than three nor more than nine Trustees, who shall respectively be Stockholders in such Company, and who shall, except the first year, be annually elected by the Stockholders at such time and place as shall be directed by the By-laws of the Company ; and notice of the time and place of holding such election shall be published not less than ten days previous thereto in a newspaper printed in the City, Town or Village where the operations of such Company shall be carried on ; and the election shall be made by such of the Stockholders as shall attend for that purpose, either in person or by proxy.

Elections to
be by ballot.

Vacancies.

VI. And be it enacted, That all elections shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of stock in the Company ; and the persons receiving the greatest number of votes shall be Trustees ; and when any vacancy shall happen, among the Trustees, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the By-laws of the Company.

Provision in
case any elec-

VII. And be it enacted, That if it shall happen at any time that an election of Trustees of any such Company as aforesaid shall

shall not be made on the day when, according to the By-laws of such Company it ought to be made, such Company shall not for that reason be dissolved, but it shall be lawful for the Stockholders of such Company to hold an election of Trustees on any other day, in such manner as shall be provided for by such By-laws; and all acts of Trustees of any such Company as aforesaid, until their successors shall be elected, shall be valid and binding as against such Company.

VIII. And be it enacted, That every such Company as aforesaid shall have a Chairman or President, who shall be elected by the Trustees from among themselves, and also such subordinate Officers as the Company by its By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective Offices as the Company by its By-laws may provide.

IX. And be it enacted, That every Shareholder shall be held liable to the Trustees of every such Company for the payment of the full amount subscribed, and that it shall be lawful for the Trustees of any such Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed at such times and in such payments or instalments as such Trustees shall deem proper, provided that no one Instalment shall exceed ten per cent, and that not less than three months shall intervene between the calls for any two Instalments; and if payment shall not be made by the Stockholders, respectively, within sixty days after a personal demand, or after notice requiring such payment shall have been published for six successive weeks in a newspaper published in the City, Town or Village where the business of the Company shall be carried on as aforesaid, it shall be lawful for the said Trustees to declare forfeited the shares upon which the said Instalments shall not be paid: Provided always, that such forfeiture shall be a discharge to the holders of the shares so forfeited from all further liability either to the Company or to any third party in respect of the shares so forfeited, but the holders of shares so forfeited shall lose whatever sum or sums they may have paid on or for such shares, and no more.

X. Provided always, and be it enacted, That the said Trustees may if they think proper, sue any Stockholder for the amount of the call or calls on his stock due and not paid, instead of forfeiting the same; and if at the time appointed for the payment of any call, any Stockholder shall fail to pay the amount of the call payable by him, he shall be liable to pay interest at the rate of six pounds per centum per annum for the same, from the day appointed for payment thereof to the time of the actual payment of the same, and may be sued by the Trustees for such call and the interest thereof in any Court of Law or Equity having competent jurisdiction in this Province,

tion should fail.

President and other officers to be appointed, &c.

Shareholders bound to pay up their stock when called in by the Trustees.

Calls limited.

Forfeiture for non-payment.

Proviso.

Trustees may sue for calls instead of declaring forfeiture: and recover the same with interest.

Province, the United Kingdom of Great Britain and Ireland, or in any other of Her Majesty's Colonies and Dependencies, or elsewhere.

What only need be alleged and proved in any such action.

XI. And be it enacted, That in any such suit or action to recover any money due upon any share, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, whereby an action hath accrued to the Company by virtue of this Act ; and at the trial of such action it shall be sufficient to prove the facts so declared, and the evidence of one witness in respect of all facts required to be proved shall be *prima facie* sufficient to maintain any such action without the production of any documentary proof whatever.

Trustees may make By-laws for certain purposes.

XII. And be it enacted, That the Trustees of every such Company as aforesaid shall have power to make such By-laws as they shall deem proper for the management and disposition of the stock and business affairs of such Company, for the appointment of Officers, and for prescribing their duties and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of such Company ; and any copy of any such By-laws or any of them, purporting to be under the hand of the Clerk, Secretary or other Officer of such Company, and having the corporate Seal of such Company affixed to it, shall be received as *prima facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province.

Proof of By-laws.

Shares on which calls are due, not transferable : Company not to purchase stock in any other Corporation.

XIII. And be it enacted, That no shares of the Stock of any such Company shall be transferable until all previous calls thereon shall have been fully paid in ; and it shall not be lawful for any such Company to use any of its funds in the purchase of any stock in any other Corporation.

Company to publish statements of their affairs.

XIV. And be it enacted, That every such Company shall annually within twenty days from the first of January, make a report which shall be inserted in some newspaper published in the Town where the business of such Company shall be carried on, stating the amount of the Capital of such Company and the proportion thereof then actually paid in, together with the amount of the existing debts of such Company, which report shall be signed by the Chairman or President and a majority of the Trustees of such Company, and shall be verified by the oath of said Chairman or President or of the Secretary of the said Company, and shall be entered and registered as aforesaid in the Registry Office of the County where the business of the Company shall be carried on ; and all the Trustees of any Company failing to comply with the requirements of this Section, shall be jointly and severally liable for all the debts of the

Penalty on Trustees failing so to do.

the Company then existing, and for all that shall be contracted until such report shall be made.

XV. And be it enacted, That if the Trustees of any such Company shall 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 that shall be thereafter contracted, while they shall respectively continue in office: Provided always, that if any of such Trustees shall object to the declaring of such dividend or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a written statement of such objection in the office of the Secretary of the Company, and also in the Registry Office of the County, such Trustee or Trustees shall be exempt from such liability.

Penalty on Trustees declaring dividends improperly.

Proviso.

XVI. And be it enacted, That no loan of money shall be made by any such Company to any Stockholder therein; and if any such loan shall be made to a Stockholder, the Officer or Officers who shall make it or who shall assent thereto, shall be jointly and severally liable to the extent of such loan, with legal interest thereon, for all the debts of the Company that may be contracted before the repayment of the sum so loaned.

Company not to loan money to Stockholders.

Penalty.

XVII. And be it enacted, That if any certificate or report made or public notice given by the Officers of any such Company in pursuance of the provisions of this Act shall be false in any material representation, all the Officers who shall have signed the same shall be jointly and severally liable for all the debts of the Company contracted while they are Officers or Stockholders thereof, respectively: and if the indebtedness of any such Company shall at any time exceed the amount of its capital stock, the Trustees of such Company assenting thereto shall be personally and individually liable for such excess to the creditors of such Company.

Punishment of officers publishing false statements of affairs of Company.

XVIII. And be it enacted, That no person holding Stock in any such Company as Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall be personally subject to any liability as Stockholder of such Company; but the estates and funds in the hands of such Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall be liable in like manner and to the same extent as the Testator or Intestate, or the Minor, Ward or interdicted person, or the person interested in such trust fund would be if he were living and competent to act, and held the same stock in his own name; and that no person holding such stock as collateral security shall be personally subject to any liability as Stockholder of such Company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Stockholder accordingly.

Persons holding stock in a representative character not to be personally liable.

Nor persons holding stock as security.

Executors,
&c. may vote
on stock held
by them as
such.

But shall not
be qualified
thereon as
Trustees: or
to hold any
office in Com-
pany.

Trustees to
keep a Regis-
ter of Stock-
holders, and
of other par-
ticulars of
debts and li-
abilities of
Company.

Such Regis-
ter to be open
to inspection
by parties
concerned.

Such Regis-
ters to be
prima facie
evidence
against the
Company.

Penalty for
not keeping
the same.

Company
may sell Gas
Meters, Fit-

XIX. And be it enacted, That every such Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall represent the shares of stock in his hands at all meetings of the Company, and may vote accordingly as a Stockholder; and every person who shall pledge his stock as aforesaid may nevertheless represent the same at all such meetings, and may vote accordingly as a Stockholder; but no person holding stock as Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall be a Trustee or hold any office in the service of such Company; and all votes given to them or either of them shall be void.

XX. And be it enacted, That it shall be the duty of the Trustees of every such Company to cause a book to be kept by the Treasurer or Clerk thereof containing in alphabetical order the names of all persons who are or have been Stockholders of such Company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; and also a statement of all the existing debts and liabilities of such Company, and of the amount of its stock actually paid in; which books shall, during the usual business hours of the day, on every day except Sundays, be open for the inspection of Stockholders and creditors of the Company and their personal representatives, at the office or principal place of business of such Company, in the City, Town or Village where the operations of such Company are carried on as aforesaid: and any and every such Stockholder, Creditor or Representative, shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the Company according to the provisions of this Act, until it shall have been entered therein as required by this section by an entry showing to and from whom such stock shall have been transferred.

XXI. And be it enacted, That such book shall be *prima facie* evidence of the facts therein stated in favour of the Plaintiff in any suit or proceeding against such Company or against any one or more Stockholders; and that every Officer or Agent of any such Company who shall refuse or neglect to make any proper entry in such book, or to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom as aforesaid, shall be liable to a fine of Ten Pounds, more or less, at the discretion of the said Trustees; and every Company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit the corporate rights, character and privileges acquired by it in pursuance of this Act.

XXII. And be it enacted, That it shall be lawful for any such Company to sell and dispose of Gas Meters, Gas and Water fittings of every description for the use of private and public

public houses, or for any establishment, company or corporation whatsoever, as well as coke, coal-tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas; and every such company shall have power and authority to let out to hire Gas Meters and Gas and Water fittings of every kind and description at such rate and rents as may be agreed upon between the consumers or tenants and the Company.

tings, Coke, &c.

May hire out Fittings, &c.

XXIII. And be it enacted, That the shares in the stock of every such Company shall be assignable and transferable according to such rules, restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders; Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws; and it is further provided that it shall not be lawful for any shareholder who is or shall become indebted to the Company for Gas, Water rent, fixtures or otherwise, to transfer any shares of stock held by him until payment be made to the Company of all sums of money due by such stockholder.

How shares of stock shall be transferable.

Proviso. Stockholders indebted to Company cannot assign their stock.

XXIV. And be it enacted, That it shall and may be lawful for any of the Municipalities in which the works of any such Company are erected or placed, to subscribe to or take stock in such Company, or to loan any sum of money, on mortgage or otherwise, to such Company, or to contribute in any manner towards advancing the object for which such Company is incorporated; and the Mayor or Chief Magistrate for the time being of any Municipality holding Stock in any such Company, to the extent of one tenth part or more of the whole of the Capital Stock thereof, shall be *ex officio* a Director of such Company, so long as such Municipality continue to hold such Stock to the extent aforesaid.

Municipality may subscribe for stock, or loan money to Company: How such stock shall be represented.

XXV. And be it enacted, That it shall and may be lawful for Aliens to hold stock in any such Company, and to enjoy all the privileges in such Company which they would have if they were subjects of Her Majesty.

Aliens may hold stock, &c.

XXVI. And be it enacted, That it shall and may be lawful for any such Company to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places of the said Municipalities for supplying which with Gas or Water or both they may have been incorporated as aforesaid, as will be necessary for laying the mains and pipes to conduct the Gas or Water or both from the works of the Company to the consumers thereof, doing no unnecessary damage

Company may break up streets, &c. doing no unnecessary damage, &c.

damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress.

Company may carry pipes over or through private property in certain cases, and on certain conditions.

XXVII. And be it enacted, That where there are buildings within such towns, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in possession of one or more tenants to convey the Water or Gas or both to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be common to neighbouring proprietors or tenants, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, or the public, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify such Company or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Company not to endanger Public Health.

XXVIII. And be it enacted, That every such Company shall construct and locate their Gas Works or Water Works or Gas and Water Works and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, as in nowise to endanger the public health or safety.

Penalty on persons fraudulently obtaining Gas or Water.

XXIX. And be it enacted, That if any person shall lay or cause to be laid any pipe or main, to communicate with any pipe or main belonging to any such Company, or in any way obtain or use its Gas or Water without the consent of such Company, he or they shall forfeit and pay to such Company the sum of Thirty Pounds, and also a further sum of One Pound for each day during which such pipe shall so remain, which said sums, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having jurisdiction to the amount claimed.

Punishment of persons wilfully damaging works of Company.

XXX. And be it enacted, That if any person shall wilfully or maliciously break up, pull down, or damage, injure, put out of order or destroy, any main pipe, engine, water-house, pipe, plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided, for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to any such

such Company, or shall in any wise wilfully do any other injury or damage, for the purpose of obstructing, hindering, or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall bathe, or wash, or clean any cloth, wool, leather, skin, animals, or any nauseous or offensive thing, or cast, throw or put any filth, dirt or any nauseous thing, or cause, permit or suffer the water of any sink, sewer or drain, to run or be conveyed into, or cause any other annoyance to be done to the water within any reservoir, cisterns, ponds, sources or fountains from which the water belonging to such Company is to be supplied or conveyed, or shall increase the supply of Gas or Water, agreed for with the said Company, by increasing the number or size of the holes in the Gas Burners, or using the Gas without Burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly burning the same, or by wrongfully or improperly wasting the Water or Gas, every such person or persons shall on conviction thereof before a Justice of the Peace or any other person authorized to act in that capacity in the locality wherein the offence may be committed, be compelled to pay for the use of the Company a penalty not exceeding Five Pounds, together with costs of prosecution, or to be confined in the Common Gaol of such County for a space of time not exceeding three months, as to such Justice may seem meet.

XXXI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons from constructing any works for the supply of Gas or Water to his or their own premises.

Act not to prevent private gas or water works.

XXXII. And be it enacted, That neither the service nor connecting pipes of any such Company, nor any meters, lusters, lamps, pipes, Gas fittings or any other property of any kind whatsoever of any such Company, shall be subject or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by such Company, notwithstanding the actual or apparent possession thereof by such person; any law, usage or custom to the contrary notwithstanding.

Service pipes and other property of Company not to be liable for rent, &c.

XXXIII. And be it enacted, That if any person shall wilfully or maliciously damage or cause or knowingly suffer to be damaged any meter, lamp, lustre, service pipe, or fittings belonging to any such Company, or shall wilfully impair or knowingly suffer the same to be altered or impaired so that the meter or meters shall indicate less gas than actually passes through the same, every such person or persons shall incur a penalty to the use of such Company, for every such offence, of

Penalty for wilfully damaging meters, lamps, &c. belonging to the Company.

a sum not less than One Pound nor exceeding Five Pounds, and shall also pay all charges necessary for the repairing or replacing the said meter pipes or fittings, and double the value of the surplus gas so consumed; such damages, penalties and charges to be recovered with costs as hereinafter provided.

Penalty for extinguishing lights, injuring pipes, &c.

XXXIV. And be it enacted, That if any person or persons shall wilfully extinguish any of the public lamps or lights, or shall wilfully remove, destroy, damage, fraudulently alter or in any way injure any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to any such Company, such person or persons shall forfeit and pay to the use of such Company a penalty not less than One Pound nor more than Five Pounds, and shall also be liable to make good all damages and charges, to be recovered with costs as hereinafter provided.

Company may cut off Gas or Water from persons not paying the proper rent or charge: and may recover such rent, &c.

XXXV. And be it enacted, That if any person supplied with Gas or Water, or both, by any such Company, shall neglect to pay any rent, rate or charge due to such Company at any of the times fixed for the payment thereof, it shall be lawful for the Company, or any person acting under their authority, on giving forty-eight hours previous notice, to stop the supply of Gas or Water, or both, from entering the premises of such person in arrear as aforesaid, by cutting off the service pipe or pipes, or by such other means as such Company or its officers shall see fit, and to recover the said rent or charge due up to such time, together with the expenses of cutting off the Gas or Water or both, as the case may be, in any competent court, notwithstanding any contract to furnish for a longer time; and in all cases where it shall be lawful for the Company to cut off and take away the supply of Gas or Water, or both, from any house, building or premises, under the provisions of this Act, it shall be lawful for the Company, their agents and workmen, upon giving forty-eight hours previous notice to the person in charge or occupier, to enter into any such house, building or premises between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and to remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, the property of and belonging to such Company, and it shall also be lawful for any servant of the Company duly authorized to enter any house into which Gas or Water or both may have been or be taken, between the hours aforesaid, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to such Company or used for their Gas or Water, or both, and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid, every such person so refusing or obstructing shall incur a penalty to such Company for every such offence of Ten Pounds, and a further penalty of One Pound for every day during which such neglect, refusal or obstruction shall

Power to enter for purpose of cutting off Gas or Water.

Removing pipes, meters, &c.

Penalty for refusing permission to remove the same, &c.

shall continue, to be recovered with costs as hereinafter provided.

XXXVI. And be it enacted, That it shall be lawful for the Company either in this Province or out of it, to borrow money at such rate of interest as the President and Directors of the said Company may deem necessary, provided that the sum so borrowed shall not exceed the sum of Ten Thousand Pounds Halifax Currency, to be expended in Gas Works, and the like sum for Water Works for any Town or incorporated Village, or the sum of Twenty-five Thousand Pounds for any City for either Gas or Water Works as aforesaid; And provided also, that for securing the repayment of money so borrowed with interest thereon, it shall be lawful for the said Company or the President thereof, by and with the consent of a majority of the said Directors, to mortgage, secure and assign, real estate, works, rates, revenues, rents and future calls on Shareholders of the said Company, and that all Bonds, Debentures or other securities to be granted may be payable to bearer or made transferable by endorsement or otherwise, as the Directors may see fit; Provided also, that no such Bond or Debenture shall be made or granted for a less sum than Fifty Pounds.

Company may borrow money to a certain amount.

Proviso: loan may be secured by mortgage of property, debentures, &c.

Proviso.

XXXVII. And be it enacted, That the said Bonds, Debentures, future calls or other securities so granted and pledged as securities for money borrowed, shall be equitable and proportionably liquidated or paid out of the funds or receipts of the said Company, without preference to any of the said securities over each other; Provided always, that no such Bonds or Debentures or other securities so pledged, shall prevent the Directors of the said Company from receiving and applying such future calls to the purposes of the said Company, so long as the money due on all such Bonds and Debentures does not exceed the amount of all the calls still remaining unpaid.

Debentures, &c. not to have preference one over the other.

Proviso.

XXXVIII. And be it enacted, That it shall and may be lawful for the Directors of any such Company, from time to time, and as often as they may see fit, without the formality of passing a By-law, by a resolution to that effect, to be entered upon the books of such Company, to authorize the President or Manager of such Company to sign such particular bonds, mortgages, contracts or instruments as it may, in the opinion of the Directors, be necessary or expedient so to sign, and to affix the common seal of the Company thereto; and it shall also be lawful in like manner for the President or the Manager of the Company, to be from time to time authorized as aforesaid, to draw, sign or accept such promissory notes or bills of exchange for the purposes of such Company, without seal, as it may in the opinion of the Directors be necessary or expedient so to sign or accept; and all such bonds, contracts, mortgages and instruments so signed and sealed by the person authorized as aforesaid, and also such notes and bills so signed, drawn or

Directors may authorize President, &c. to sign bonds, &c.

And also Bills and Notes.

accepted

accepted by the person authorized as aforesaid, shall be valid and binding on the Company, and be held to be the act and deed of the Company; Provided that such Bonds, Bills or Debentures shall not exceed the amount which the said Companies are by this Act empowered to borrow.

Proviso.

Recovery and application of fines and penalties.

XXXIX. And be it enacted, That all fines penalties and forfeitures imposed by this Act may be sued for and recovered with costs by any such Company or by any person whose property may be injured, to and for the use of such Company or person, either in the manner hereinbefore directed, or before a Justice or Justices of the Peace or any other person authorized to act in that capacity, where the offence is committed, on the oath of any one credible witness, and all actions for damages or penalties or both given by this Act, shall be brought in Courts having jurisdiction to the amount involved in such suit, unless otherwise specially provided and authorized by this Act; and where damages as well as a penalty may be given, such damages and penalty may be sued for separately, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant may have no goods to satisfy the same, then and in that case he shall be committed to the Common Gaol for such period not exceeding two months, as the Justice or Court may direct.

Damages.

May be levied by distress.

President or Stockholders may be witnesses.

XL. And be it enacted, That in any action brought by or on behalf of any such Company, in any Court, or in any proceeding before a Justice of the Peace or any other person authorized to act in that capacity, on the behalf of any such Company, the President and any Shareholder shall be competent witnesses, notwithstanding their interest in such suit or otherwise.

Provision for arbitration where it shall be necessary to conduct pipes through private property, and the Company and owner cannot agree as to compensation.

XLI. And be it enacted, That if it be found necessary or deemed proper to conduct any of the pipes or carry any of the works of any such Company through the lands of any person, lying within ten miles of the City, Town or Village for supplying which the Company is incorporated, and the consent of such person cannot be obtained for that purpose, then it shall be lawful for the Company to nominate and appoint one indifferent person, and the owner or owners of the land so taken or damaged to nominate and appoint another indifferent person, which two persons so appointed shall nominate and appoint a third person, and it shall be lawful for the said three persons to and they are hereby required to act as Arbitrators in such matter of dispute between the said Company and the said owner or owners of such property; And it shall be the duty of the said Arbitrators to examine all witnesses, administer all necessary oaths or declarations to the same, and the said Arbitrators, or a majority of them, shall award, determine and adjudge what sum or sums of money respectively shall be paid to the owner or owners of such

such property so taken or damaged by the said Company ; and the sum or sums of money so awarded shall be paid within three months after the date of such award, and in default of such payment, the proprietor may resume the possession of his or her property, with all the rights appertaining thereto ; and in the event of either the Company or the owners of such property failing to appoint an Arbitrator, after eight days' notice from one of the said parties to the other, or the said two Arbitrators failing to appoint a third, it shall be lawful for the Judge of the County Court within which the said property may lay, to appoint an Arbitrator instead thereof, and the decision of the said Arbitrators, or a majority of them, shall be binding on all parties concerned.

XLII. And be it enacted, That nothing contained in this Act shall extend to authorize any such Company or any person acting under the authority of the same, to take, use or injure for the purposes of the said Gas or Water Company, any house or other building or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees, nor to convey from the premises of any person any water already appropriated and necessary for his or her domestic uses, without the consent, in writing, of the owner or owners thereof first had and obtained.

Certain property not to be used without consent of owner.

XLIII. And be it enacted, That the word " Company," wherever it occurs in this Act, shall be construed to mean a Joint Stock Company incorporated by registration under the provisions of this Act ; and all words importing the singular number or the masculine gender only shall be construed to extend to the plural number, and to females as well as males, unless there be something in the context inconsistent with such construction.

Interpretation.

XLIV. And be it enacted, That nothing in this Act shall be construed to authorize any Company to be established under it, to interfere with or infringe upon any exclusive privilege which may have been granted to any Company.

Exclusive privileges not to be infringed.

XLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this or any other Session of the Parliament of this Province ; but such amendment or repeal shall not, nor shall the consequent dissolution of any Corporation formed or created under this Act, take away or impair any remedy given against any such Corporation, its Stockholders or officers, for any liability which shall have been previously incurred.

This Act may be amended or repealed.

CAP. CLXXIV.

An Act to permit of disinterments in certain cases, and for other purposes therein mentioned.

[Assented to 14th June, 1853.]

Preamble.

A Judge of the Superior Court or Circuit Court in L. C. may authorize disinterments in certain cases.

WHEREAS there is no provision of law for the permission of the disinterment in certain cases of bodies buried in churches, chapels or burial grounds, in that part of the Province of Canada known as Lower Canada, and it is proper to make provision in that respect : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any Judge of the Superior Court or of the Circuit Court for Lower Canada, on a petition being presented to him, either in term or in vacation, by any person, praying for leave to disinter a body or bodies buried in any Church, Chapel, or burial-ground, with a view to the erection, repair or alienation of a Church, Chapel or burial-ground, or with a view to re-interment in another Church, Chapel or burial-ground, or to the reconstruction or repair of the tomb or coffin in which a body has already been buried, and indicating, in the case of a proposed removal of any body or bodies the burial-ground or the Church, or Chapel to which it is proposed to effect the removal, and on proof being made on oath to his satisfaction of the truth of the allegations contained in such petition, to ordain that the body or bodies shall be disinterred as prayed for, any law, usage or custom to the contrary notwithstanding ; and such order sealed with the Seal of the Superior Court or of the Circuit Court, as the case may be, and signed by the Prothonotary or Clerk of the said Court, being duly served upon or presented to the person owning or having the legal charge or custody of such Church, Chapel or burial-ground, shall be a sufficient authority for the disinterment prayed for, and shall save harmless every person concerned or taking part in any such disinterment. Provided always that before proceeding to any such disinterment in any Church, Chapel or burial-ground, used for the interment of Roman Catholics, permission to that effect shall be obtained from the Superior Ecclesiastical Authority of the Roman Catholic Diocese in which the same is situate.

Proviso.

Exception as to contagious diseases.

II. It shall not be lawful to disinter the body of any person who died of a contagious disease until after the expiration of three years from the interment of such body.

III.

III. And whereas it is expedient to make provision on the subject of the interment of dead bodies—Be it enacted, That no deceased person shall be interred until after the expiration of twenty-four hours at the least from the death of such person, under a penalty of Five Pounds currency, upon every person in any way concerned or assisting, or taking part in, or being knowingly present at such interment; Provided always, that nothing in this Section contained shall be construed to interfere with the observance of any Regulation that may be made in this behalf by any Board of Health in pursuance of a certain Act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to make provision for the preservation of the Public Health, in certain emergencies.*

No person to be buried until at least 24 hours after decease.

Proviso: Act not to affect regulations under 12 V. c. 3.

IV. This Act shall apply to Lower Canada only.

Extent of Act.

C A P . C L X X V .

An Act to provide for the more equal distribution of business in and to improve the practice of the Superior Courts of Common Law in Upper Canada, and for other purposes therein mentioned.

[Assented to 14th June, 1853.]

WHEREAS it is desirable that the offices for issuing Writs of Summons and Capias, and other Writs of mesne or first process in the Courts of Queen's Bench and Common Pleas in Upper Canada, in the County of York, be united: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the commencement of this Act, the Clerk of the Crown and Pleas in the said Court of Queen's Bench, and the Clerk of the Crown and Pleas in the said Court of Common Pleas, shall, subject to the approval of the Judges of the said Courts, from time to time, select one of their Clerks, whose duty it shall be to issue all Writs of Summons, Capias, and other Writs of mesne or first process in the said Courts, that may be required to be issued at the City of Toronto, and which Clerk shall be called the Clerk of the Summonses, and he shall be the Clerk of the said Clerks of the Crown and Pleas in the Courts of Queen's Bench and Common Pleas, and act under their direction, not only in issuing such Writs but in discharging such other duties in connection with their offices, as they or either of them may require of him.

Preamble.
Clerks of Q. B. and C. P. at Toronto to appoint a Special Clerk to issue Writs of mesne process.

Recital.

II. And whereas much public inconvenience arises from the unequal distribution of the business between the said Courts, whereby one Court is often insufficiently employed, while the other is unduly pressed, to the great delay and injury of suitors and detriment of Justice, and it is expedient to adopt means to equalize the business of the said Courts so far as the same can be effected : Be it therefore enacted, That from and after the commencement of this Act, the said Clerk of the Summonses, and the respective Deputy Clerks of the Crown and Pleas, in the said Courts of Queen's Bench and Common Pleas, in their respective Counties and United Counties in Upper Canada, shall issue out of their respective offices all Writs of Summonses, Capias and other process for the commencement of actions in the said Courts of Queen's Bench and Common Pleas, in rotation by twelves, that is to say, the first twelve out of the Court of Common Pleas, and the next twelve out of the Court of Queen's Bench, and so on in continuous rotation of twelves for the said Courts, so as to produce and keep up an equal distribution of business in the same.

The said Clerk to issue such Writs out of each Court alternately by twelves, beginning with Court of C. P.

Plaintiff may sue out writs of *Capias ad Respondendum* during pendency of any action in Superior Courts or County Courts.

As to Bail, &c.

III. And be it enacted, That it shall be lawful for the Plaintiff, during the pendency of any action in either of the Superior Common Law Courts or in any County Court to issue an Original, Alias, or Pluries Writ of Capias ad Respondendum, for the arrest of the Defendant, upon the like affidavit and in like manner as is required to arrest the Defendant in the first instance, and that Bail may be put in thereto, but if before appearance the Bail shall be to appear, if after appearance to the action, but the proceedings then already had in such Suit may be continued to final judgment in the same manner as if the Suit had been commenced by issuing such Writ of Capias ad Respondendum.

Recital.

IV. And whereas it would facilitate the transaction of business in the said Courts, if the respective Masters or Taxing Officers thereof, at Toronto, were allowed to tax costs in either Court : Be it therefore enacted, That from and after the commencement of this Act, the respective Masters and Taxing Officers of the said Courts of Queen's Bench and Common Pleas, shall and may tax costs in cases or matters pending in either of the said Courts, and shall possess and exercise all other powers incident to such taxation, to the same extent as they are now possessed and exercised by them in relation to matters and suits in their respective Courts ; and that the Judges of the said Courts may, from time to time, make rules for better carrying into effect the provisions of this and the preceding Sections of this Act.

Masters and taxing officers of either Court may tax costs in the other.

Judges to make Rules.

Clerks of Q. B. and C. P. to supply their Deputies with blank certifi-

V. And be it enacted, That the Clerks of the Crown and Pleas in the said Courts of Queen's Bench and Common Pleas shall, from time to time, supply and keep supplied, the respective Deputy Clerks of the Crown and Pleas in the said Courts

of Queen's Bench and Common Pleas, in Upper Canada, with blank certificates of the entry of judgments in the said Courts, under their respective hands, and the seals of the said Courts respectively ; and when any such Deputy Clerk of the Crown shall have entered any judgment in either of the said Courts, he shall and may issue to any party requiring the same, a certificate of the entry of such judgment, and such certificate, and the registration thereof when registered in the Registry Office of any County in Upper Canada, shall have the same force and effect in binding or operating as a charge upon lands, tenements and hereditaments situated within such County, as if such certificate had been issued out of the principal office at Toronto, and such Deputy Clerk of the Crown shall write upon the margin thereof, by whom and at what place the same was issued, as follows : " Issued at _____ by _____ ."

ates of entry of judgment.
Effect of entry and certificate of judgment by any such Deputy, &c.

VI. And whereas by the present practice in the Courts of Common Law in Upper Canada, some Writs are tested on the day on which they are issued, and others are tested in Term, which frequently causes confusion ; For remedy thereof, Be it enacted, That from and after the commencement of this Act, all Writs of Summons, Capias and Executions, and all other Writs and Orders issuing out of the Courts of Queen's Bench, Common Pleas and the several County Courts in Upper Canada, whether in Term or Vacation, may be tested and bear date on the day on which they are actually issued.

Recital.
All Writs to be tested on the day they issue.

VII. And whereas it frequently happens that parties in custody, entitled to the benefits of the Gaol limits, are compelled to go to prison until a rule or order for the allowance of the recognizance of bail entered into by such parties, under and by virtue of the fifth Section of the Act passed in the Session of the Parliament of this Province, held in the tenth and eleventh years of the Reign of Her present Majesty, intituled, *An Act to amend the Law of Imprisonment for Debt in Upper Canada*, shall have been first made ; For remedy thereof, Be it enacted, That when any party entitled to the benefit of the Gaol limits, under the said Act, shall be arrested, and in custody of the Sheriff of the County or United Counties in which such arrest is made, it shall and may be lawful for such Sheriff to take from such party so arrested, a bond with two or more good and sufficient sureties, for double the amount for which such party shall have been arrested, conditioned that such party shall not depart the Gaol limits of the said County or United Counties, and shall forthwith surrender himself to the custody of such Sheriff for re-committal to close custody, upon a rule of Court or Judge's Order for that purpose being made, and shall in other respects well and truly observe and obey all rules of Court and Judge's Orders in relation to such party, and upon the receipt of such bond, such Sheriff shall forthwith allow such party the benefit of the Gaol limits in his County or United Counties.

Recital.
10 & 11 V. c. 15.
Defendant entitled to Gaol limits may give bond, upon which he shall immediately have the benefit of such limits.

Defendant and his sureties, relieved on complying with the said Act 10 & 11 V. c. 15.

VIII. And be it enacted, That if any Defendant, after giving such bond to any Sheriff, shall deliver to such Sheriff the certificate of the proper officer of the Court, that the recognizance of bail and affidavit of justification mentioned in the fifth Section of the said in part recited Act, have been duly filed in his office, such defendant as well as his sureties, shall thereupon be released and discharged from all damages on occasion of any breach of the condition of such bond, which shall be committed subsequent to the date of such certificate: Provided, that if such certificate be not produced within one month from the execution of such bond, it shall be lawful for the Sheriff to commit such defendant to close custody, there to remain as if no such bond had been given.

Proviso.

Sheriff may recover on such bond for breach thereof.

IX. And be it enacted, That if any breach shall occur of the condition of the said bond, by departure from the limits or otherwise, it shall and may be lawful for the Sheriff by whom the said party was so arrested, to sue for and recover from such party and his said sureties or either of them, upon such bond, such sum or sums of money as such party may have been so arrested for, together with all such costs and damages as he the said Sheriff may have sustained or be liable for by reason of such departure from the said limits or other breach of the said bond.

Sheriff must assign such bond (if requested) to the party arresting.

X. And be it enacted, That the Sheriff, upon such party so arrested withdrawing or departing from the said limits, or committing a breach of the condition of the said bond, shall be bound, upon request, to assign over the said bond to the party in the cause at whose instance the arrest took place, and such Sheriff shall thereupon be discharged from any claim such arresting party may have on him the said Sheriff for or on account of the party so arrested.

And such party may sue in his own name as aforesaid.

XI. And be it enacted, That upon such assignment of the said bond to the said party so causing such arrest, he, she or they may, as Assignee or Assignees, sue thereon in his, her or their own name or names, and it shall not be in the power of the Sheriff in whose name such bond was taken, to release the same or any action brought thereon.

Party giving such bond to be liable to interrogatories, &c. under the said Act.

XII. And be it enacted, That the said party so arrested as aforesaid, shall, after the execution of the said bond, and such admittance to the limits under the same, be subject to interrogatories, committal to close custody and recommittal, with all other privileges and liabilities, in like manner as if he had been upon the said limits under a recognizance, as mentioned in the fifth section of the said in part recited Act.

Mileage to be taxed only to Sheriff, Bailiff or Coroner.

XIII. And be it enacted, That in the taxation of costs in any cause in either of the said Superior Courts of Common Law or in the County Courts in Upper Canada, no fees shall be allowed for

for the mileage or service of Writs of Summons, or other mesne process, unless served by the Sheriff, his Deputy or Bailiff, being a literate person, (or by a Coroner when the Sheriff is a party to a suit,) and sworn to in the affidavit of service as served by such Sheriff, Deputy Sheriff, Bailiff or Coroner as aforesaid, except as hereinafter provided.

XIV. And be it enacted, That the Sheriff of each County or United Counties in Upper Canada, shall keep his office open each day except Sunday, Christmas Day, Good Friday, and the Birth-day of the Sovereign, from ten o'clock in the forenoon until four o'clock in the afternoon, and during all that time the said Sheriff, his Deputy or some Clerk competent to do business for him, shall be present to transact the business of the office; and that upon the delivery of any Writ of Summons at the said office to be served by the Sheriff, he, his Deputy or Clerk, shall endorse thereon the time it was so delivered, and in case such Summons shall not be fully and completely served within ten days after such delivery, then the Plaintiff, his Attorney or Agent shall be entitled to receive back the said Writ, and such Sheriff, Deputy Sheriff or Clerk, shall endorse thereupon the time of such re-delivery of such Writ, and in the taxation of cost, the costs of the mileage and service of such Writ by any literate person afterwards, shall be allowed as if the same had been served by the Sheriff or his officer; and if such Sheriff shall neglect or refuse to return any such Writ after the expiration of the said ten days, the Plaintiff shall be at liberty to issue a Duplicate, Alias or other Writ on the *Præcipe* already filed, and the costs of the first or other writ not returned as aforesaid shall and may be charged against and recovered from the said Sheriff by the Plaintiff or his Attorney.

On what days and during what hours Sheriffs in U. C. shall keep their offices open.

Date of their delivery to Sheriff to be endorsed on Writs: proceedings if they are not served within a certain time.

Penalty for not redelivering a Writ as hereby required.

XV. And be it enacted, That in cases of attachments sued out under the Absconding Debtors' Act, the Sheriff having the execution thereof, with leave of the Court out of which any such attachment shall issue or of a Judge thereof, may, at the request of the attaching Creditor, in his own name as such Sheriff, sue and recover from any person or persons any debt, claim, demand or right of action, attachable under the said Acts, due and owing to or recoverable by the Absconding Debtor; and the said Sheriff shall deposit the moneys received or recovered in any such action, as such Court or a Judge thereof shall order and direct in the rule granting the leave aforesaid, until such moneys shall be eventually applied or distributed according to law; Provided, that the Sheriff shall not be bound to sue any party as aforesaid, unless the attaching Creditor shall enter into a bond with two sufficient sureties, indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof; Provided, secondly, in the event of the death resignation or removal from office of

Sheriff may sue in certain cases under Absconding Debtors' Acts for debts, &c. attached.

Deposit of moneys recovered.

Proviso.

Proviso.

any

any such Sheriff after action brought, such action shall not abate, but may be continued in the name of his successor in office, and a suggestion of the facts shall be entered on the Roll.

In case of absence of Clerk of Assize a substitute to act.

County Court Clerk may act: exception.

Remuneration.

XVI. And be it enacted, That in the event of any Clerk of Assize being absent, or being prevented by illness or other cause from performing his duties as such Clerk, the presiding Judge of Assize may authorize some person to act as Clerk of Assize; Provided that if such Clerk so absent or prevented from performing his duties as aforesaid, be not a Clerk of a County Court, the Clerk of the County Court of the County or United Counties, as the case may be, (except the United Counties of York, Ontario and Peel,) may perform the duties of Clerk of Assize, and such County Court Clerk, or other person so substituted, shall be entitled to receive the remuneration payable for the performance of such duties.

Judges of County Courts may hear applications and grant summonses for certain purposes: in addition to their duties under 12 V. c. 63, s. 35.

XVII. And be it enacted, That in addition to the duties authorized and required to be performed by the Judges of the County Courts in Upper Canada, by the thirty-fifth Section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and chaptered amongst the Public Acts of the Session as chapter sixty-three, the said Judges are hereby authorized and required to hear and determine applications, and to grant Summonses and Orders for the payment of moneys into Court, for the allowance of Bail and security for Costs, and also Summonses and Orders for the admission of documents in evidence under the twenty-eighth Rule of the Rules, Orders and Regulations referred to in the Act of the Parliament of this Province, passed in the sixth year of Her Majesty's Reign, and chaptered amongst the public general Acts as chapter nineteen, in suits depending in the Superior Courts of Common Law in Upper Canada; subject to the same provisions, restrictions and right of appeal as other applications made under the said thirty-fifth Section of the Act in this Section first above mentioned.

Sect. 10 of 14 & 15 V. c. 118, suspended, while W. A. Campbell holds certain offices.

XVIII. And be it enacted, That the tenth Section of the Act of the Parliament of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and chaptered amongst the public general Acts of the Session in which the same was passed, as chapter one hundred and eighteen, in so far as the same relates to certain duties to be discharged under the said section by the several Clerks of Assize in Upper Canada, shall be and is hereby suspended, so long as William Alexander Campbell shall continue to hold the Office of Marshal and Clerk of Assize for the County of York.

Certain duties imposed on W. A. Campbell while he

XIX. And be it enacted, That William Alexander Campbell, so long as he shall continue to be the Marshal and Clerk of Assize of the County of York, shall procure from the Judges of the Superior

Superior Courts, the several precepts for the return of Panels of Grand and Petit Jurors for any Sittings or Sessions of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, and transmit the same to the several Sheriffs or other Officers to whom the return of such precepts shall severally belong, as soon as conveniently may be after the commission, or other day upon which the Jurors to be returned upon such precepts are to be summoned to attend, shall or may be known, and where such day is fixed by law, then as soon as conveniently may be after the close of the last preceding sittings of the same Courts; and for preparing, procuring and transmitting each precept, he shall be entitled to receive Five Shillings, payable out of the Fee Fund.

holds the said offices.

XX. And be it enacted, That from and after the passing of this Act, no Attorney or Solicitor, nor any Executor, Administrator, or Assignee of any Attorney or Solicitor in Upper Canada, shall commence or maintain any action or suit for the recovery of any fees, charges or disbursements, for any business done by such Attorney or Solicitor, until the expiration of one month after such Attorney or Solicitor, or the Executor, Administrator or Assignee of such Attorney or Solicitor, shall have delivered unto the party to be charged therewith, or sent by the Post to or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, a Bill of such fees, charges and disbursements, and which Bill shall either be subscribed with the proper hand of such Attorney or Solicitor, (or, in the case of a partnership, by any of the partners, either with his own name, or with the name or style of such partnership,) or of the Executor, Administrator, or Assignee of such Attorney or Solicitor, or be enclosed in or accompanied by a letter subscribed in like manner, referring to such Bill; and upon the application of the party chargeable by such Bill within such month, it shall be lawful for any of the Superior Courts of Law or Equity, or any Judge of either of them, or any Judge of a County Court in Upper Canada, and they are hereby respectively required, to refer such Bill, and the demand of such Attorney or Solicitor, Executor, Administrator or Assignee, thereupon to be taxed and settled by the proper officer of any of the Courts in which any of the business charged for in such Bill may have been done, without any money being brought into Court; and the Court or Judge making such reference shall restrain such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing any action or suit touching such demand pending such reference; and in case no such application as aforesaid shall be made within such month as aforesaid, then it shall be lawful for such reference to be made as aforesaid, either upon the application of the Attorney or Solicitor, or the Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill may have been so as aforesaid delivered, sent, or left, or upon the application of the party chargeable

No action for an Attorney's or Solicitor's Bill, to be commenced until the expiration of one month after a copy shall have been sent to the party charged. Party charged may have the Bill referred for taxation.

No suit to be brought on it pending such reference.

The Attorney &c. may apply for such reference after a certain time. No suit to be brought pending such reference.

Proviso : such reference not to be made in certain cases.

Exceptions.

Taxation may be *ex parte* if either party fail to attend.

Costs of reference how paid.

Proviso : Taxing officer may certify special circumstances.

Proviso : Special directions as to costs may be

chargeable by such Bill, with such directions and subject to such conditions as the Court or Judge making such reference shall think proper ; and such Court or Judge may restrain such Attorney or Solicitor, or the Executor, Administrator or Assignee of such Attorney or Solicitor, from commencing or prosecuting any action or suit touching such demand pending such reference, upon such terms as shall be thought proper : Provided always, that no such reference as aforesaid shall be directed upon an application made by the party chargeable with such Bill after a verdict shall have been obtained or a Writ of Inquiry executed in any action for the recovery of the demand of such Attorney or Solicitor, or Executor, Administrator or Assignee of such Attorney or Solicitor, or after the expiration of twelve months after such Bill shall have been delivered, sent or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the Court or Judge to whom the application for such reference shall be made ; and upon every such reference, if either the Attorney or Solicitor, or Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill shall have been delivered, sent, or left, or the party chargeable with such Bill having due notice, shall refuse or neglect to attend such taxation, the Officer to whom such reference shall be made may proceed to tax and settle such Bill and demand *ex parte* ; and in case any such reference as aforesaid shall be made upon the application of the party chargeable with such Bill, or upon the application of such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, and the party chargeable with such Bill shall attend upon such taxation, the costs of such reference shall, except as hereinafter provided for, be paid according to the event of such taxation, that is to say : if such Bill when taxed be less by a sixth part than the Bill delivered, sent, or left, then such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall pay such costs ; and if such Bill when taxed shall not be less by a sixth part than the Bill delivered, sent, or left, then the party chargeable with such Bill, making such application or so attending, shall pay such costs ; and every order to be made for such reference as aforesaid, shall direct the Officer to whom such reference shall be made, to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor in respect of such Bill and demand, and of the costs of such reference, if payable : Provided also, that such Officer shall in all cases be at liberty to certify specially any circumstances relating to such Bill or taxation, and the Court or Judge shall be at liberty to make thereupon any such Order as such Court or Judge may think right respecting the payment of the costs of such taxation : Provided also, that where such reference as aforesaid shall be made when the same is not authorized to be made except under special circumstances,

circumstances, as hereinbefore provided, then the said Court or Judge shall be at liberty, if it shall be thought fit, to give any special directions relative to the costs of such reference : Provided also, that it shall be lawful for the said respective Courts and Judges, in the same cases in which they are respectively authorized to refer a Bill which has been so as aforesaid delivered, sent or left, to make such Order for the delivery by any Attorney or Solicitor, or the Executors, Administrator, or Assignee of any Attorney or Solicitor, of such Bill as aforesaid, and for the delivery up of deeds, documents or papers in his possession, custody or power, or otherwise touching the same, in the same manner as has heretofore been done as regards such Attorney or Solicitor, by such Courts or Judges respectively, where any such business had been transacted in the Court in which such Order was made : Provided also, that it shall not in any case be necessary in the first instance for such Attorney or Solicitor, or the Executor, Administrator or Assignee of such Attorney or Solicitor, in proving a compliance with this Act, to prove the contents of the Bill he may have delivered, sent or left, but it shall be sufficient to prove that a Bill of fees, charges or disbursements subscribed in the manner aforesaid, or enclosed in or accompanied by such letter as aforesaid, was delivered, sent or left in manner aforesaid ; but nevertheless it shall be competent for the other party to shew that the Bill so delivered, sent or left was not such a Bill as constituted a *bonâ fide* compliance with this Act : Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity or a County Judge, to authorize an Attorney or Solicitor to commence an action or suit for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month shall not have expired from the delivery of a Bill as aforesaid, on proof to the satisfaction of the said Judge that there is probable cause for believing that such party is about to quit Upper Canada.

made in certain cases.

Proviso : order may be made in like manner for delivery of Deeds, &c.

Proviso : in the first instance contents of the Bill need not be proved, &c.

Proviso : Judge may give leave to commence an action when Defendant is about to leave U. C.

XXI. And be it enacted, That where any person, not the party chargeable with any such Bill within the meaning of the provisions hereinbefore contained, shall be liable to pay or shall have paid such Bill either to the Attorney or Solicitor, his Executor, Administrator or Assignee, or to the party chargeable with such Bill as aforesaid, it shall be lawful for such person his Executor, Administrator or Assignee, to make such application for a reference for the taxation and settlement of such Bill as the party chargeable therewith might himself make, and the same reference and order shall be made thereupon, and the same course pursued in all respects, as if such application was made by the party so chargeable with such Bill as aforesaid : Provided always, that in case such application is made when, under the provisions herein contained, a reference is not authorized to be made except under special circumstances, it shall be lawful for the Court or Judge to whom such application shall be made, to take into consideration any additional

Provision where a party other than the party first chargeable, shall become liable to pay any Bill.

Proviso : when application is made in cases where reference is not authorized

special

except under special circumstances.

special circumstances applicable to the person making such application, although such circumstances might not be applicable to the party so chargeable with the said Bill as aforesaid, if he was the party making the application.

Judge may order delivery of a copy of the Bill to the party not originally chargeable.

XXII. And be it enacted, That for the purpose of any such reference upon the application of the person not being the party chargeable within the meaning of the last preceding Section, or of a party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney or Solicitor, or the Executor, Administrator or Assignee of any such Attorney or Solicitor, to deliver to the party making such application a copy of such Bill, upon payment of the costs of such copy: Provided always, that no Bill which shall have been previously taxed and settled shall be again referred, unless under special circumstances, the Court or Judge to whom such application is made shall think fit to direct a retaxation thereof.

Proviso.

Payment of Bill not to preclude reference, if special circumstances require it.

XXIII. And be it enacted, That the payment of any such Bill as aforesaid, shall in no case preclude the Court or Judge to whom application shall be made from referring such Bill for taxation, if the special circumstances of the case shall in the opinion of such Court or Judge appear to require the same, upon such terms and conditions and subject to such directions as to such Court or Judge shall seem right; Provided the application for such reference be made within twelve calendar months after payment.

Proviso.

Taxing Officer may require the assistance of an officer of any other Court.

XXIV. And be it enacted, That in all cases in which such Bill shall have been referred to be taxed and settled, the Officer to whom such reference is made, shall be at liberty to request the proper Officer of any other Court having such an Officer, to assist him in taxing and settling any part of such Bill, and such Officer so requested, shall thereupon proceed to tax and settle the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the Court of which he is such Officer, and shall return the same, with his opinion thereon, to the Officer who shall have so requested him to tax and settle the same.

Fees.

Applications under foregoing provisions how entitled.

Certificate of taxing officer to be conclusive, unless set aside.

XXV. And be it enacted, That all applications made under the foregoing provisions to refer any such Bill as aforesaid to be taxed or settled, and for the delivery of such Bill, and for the delivering up of deeds, documents and papers, shall be made in the matter of such Attorney or Solicitor; and upon the taxation and settlement of any such Bill, the certificate of the Officer by whom such Bill shall be taxed shall (unless set aside or altered by order of a Judge, Decree or Rule of Court,) be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the course of the Court in which such reference shall be made.

XXVI. And be it enacted, That if the Plaintiff in any action of trespass, or of trespass on the case, brought or to be brought in any of the Superior Courts of Common Law, or in any County Court in Upper Canada, shall recover by the verdict of a Jury less damages than forty shillings, such Plaintiff shall not be entitled to recover or obtain from the Defendant, in respect of such verdict, any costs whatever, whether it shall be given upon any issue or issues tried or judgment shall have passed by default, unless the Judge or Presiding Officer before whom such verdict shall be obtained, shall immediately afterwards certify on the back of the record, or on the writ of trial, that the action was really brought to try a right, besides the mere right to recover damages for the trespass or grievance for which the action shall have been brought, or that the trespass or grievance in respect of which the action was brought was wilful and malicious; Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to deprive the Plaintiff of costs in any action or actions brought for a trespass or trespasses over any lands, commons, wastes, closes, woods, plantations or enclosures, or for entering into any dwelling, out-buildings or premises in respect of which any notice not to trespass thereon or therein, shall have been previously served by or on behalf of the owner or occupier of the land trespassed over, upon or left at the last reputed or known place of abode of the Defendant or Defendants in such action or actions: Provided also, that nothing in this Section shall be construed to entitle any Plaintiff to recover costs as of an action brought in a Superior Court in any case where by law his action might properly have been brought in an Inferior Court.

Plaintiff in trespass, or trespass on the case recovering less than £2, not entitled to recover costs: unless the Judge, &c., shall certify certain particulars.

Proviso: section not to extend to trespasses of certain kinds.

Proviso.

XXVII. And be it enacted, That in all actions brought in either of the said Superior Courts, of Common Law or in a County Court, the Judge before whom any issue joined in such action shall be to be tried, or damages to be assessed in case the Plaintiff or Demandant therein shall become non-suit, or a verdict shall be given for the Plaintiff or Demandant, Defendant or Tenant, may certify under his hand on the back of the Record at any time before the end of the Sittings or Assizes, that in his opinion, execution ought to issue in such action forthwith, or at some day to be named in such certificate, and subject or not to any condition or qualification, and in case of a verdict for the Plaintiff, then either for the whole or any part of the sum found by such verdict, in all which cases costs may be taxed in the usual manner and judgment entered forthwith, and execution may be issued forthwith, or afterwards, according to the terms of such certificate on any day in vacation or term, and the *postea* with such certificate as a part thereof, shall and may be entered of record as of the day on which the judgment shall be signed; Provided always, that the party entitled to such judgment may postpone the signing thereof.

After verdict or non-suit, Judge may certify that execution ought to issue forthwith.

Taxing costs. Execution.

Entering *postea*.

Proviso.

Entry of
judgment
under s. 27.

XXVIII. And be it enacted, That every Judgment to be signed by virtue of the next preceding Section may be entered and recorded as the Judgment of the Court wherein the action shall be pending, though the Court may not be sitting on the day of the signing thereof, and shall be as effectual as if the same had been signed and recorded according to the course of the common law.

Judgment
under s.
27 & 28, sub-
ject to be set
aside.

XXIX. And be it enacted, That notwithstanding any Judgment signed or recorded or execution issued by virtue of the two next preceding Sections, the Court in which the action shall have been brought, may order such Judgment to be vacated and execution to be stayed or set aside, and may enter an arrest of Judgment or grant a new trial or a new assessment of damages, as justice may appear to require, and thereupon the party affected by such Writ of Execution shall be restored to all that he may have lost thereby, in like manner as upon the reversal of a Judgment by Writ of Error, or otherwise as the Court may think fit to direct; Provided, that any application to vacate such Judgment must be made within the first four days of the Term next after the rendering of the verdict.

Effect of such
setting aside.

Proviso.

Commence-
ment of Act.

XXX. And be it enacted, That this Act shall come into force and take effect upon, from and after the first day of July, one thousand eight hundred and fifty-three, and not before.

C A P . C L X X V I .

An Act to make better provision for the Administration of Justice in the unorganized tracts of Country in Upper Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is desirable to make better provision for the Administration of Justice in the unorganized tracts of country in this Province, bordering upon and adjacent to Lakes Superior and Huron, including the Islands in those Lakes which belong to this Province, and also all other parts of Upper Canada which are not now included within the limits of any County or Township, and to provide for the laying out of roads therein, and for the general well-being and protection of those who may resort thither for purposes of settlement or temporary residence connected with mining, lumbering or other business pursuits, and to deter evil disposed persons from inciting the Indians and half-breeds frequenting or residing in those tracts of country to the disturbance of the public peace, or to the committing of any other indictable offence, and to prevent and punish such disturbance of the public peace and violation of the laws: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under

under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor of this Province from time to time, and whenever it may be deemed expedient and necessary so to do, by Proclamation under the Great Seal, to declare that from and after a certain day to be therein named, a certain part or certain parts or the whole of such unorganized tracts of country shall form a Provisional Judicial District or Provisional Judicial Districts, and to define the limits of such Provisional Judicial District or Provisional Judicial Districts; and such Provisional Judicial District or Provisional Judicial Districts shall thereupon be formed accordingly.

Governor may form provisional judicial Districts out of unorganized Tracts.

II. And be it enacted, That it shall be lawful for the Governor of this Province from time to time and at all times hereafter during the continuance of any such Provisional Judicial District or Provisional Judicial Districts, whenever it may be deemed advisable and expedient to do so, to issue the necessary commissions authorizing the holding of Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery in any such Provisional Judicial District or Provisional Judicial Districts so formed as aforesaid.

Governor may authorize the holding of certain Courts in such Provisional Districts.

III. And be it enacted, That it shall be lawful for the Governor of this Province, from time to time, to appoint in each and every such Provisional Judicial District a fit and proper person, being a Barrister of not less than five years' standing at the Bar of Upper Canada, to be Judge thereof, and such Judge shall have the same powers, duties and emoluments, and be paid in the same manner as any County Judge in Upper Canada, save and except that his salary shall not exceed Five Hundred Pounds per annum, and shall hold his office during pleasure, and shall reside within the limits of his Provisional Judicial District, and shall not directly or indirectly practise or carry on or conduct any business in the profession or practice of the Law while holding his office of Judge, on pain of forfeiting the same, and of a penalty of One Hundred Pounds.

Governor may appoint Judges for such provisional districts, their powers, salary, &c.

IV. And be it enacted, That it shall be lawful for the Governor of this Province to pay to the Sheriffs and other Officers of every Provisional Judicial District, by way of Salary or otherwise, out of any unappropriated moneys belonging to the Consolidated Revenue Fund of this Province, such several sums of money as he shall think reasonable for the services performed by such Officers respectively.

Governor may pay Sheriffs, &c. of such Districts.

V. And be it enacted, That all and every the Acts and Laws now in force, with respect to the holding of Courts of Quarter Sessions of the Peace, County Courts and Division Courts

Certain Laws to apply to provisional Districts,

which shall be considered as Counties with regard to them.

respectively, in the several Counties and Unions of Counties in Upper Canada, to the composition, powers and jurisdiction of such Courts respectively, and to the appointment, powers, duties and emoluments of Sheriffs, Coroners, Clerks, Constables and all other Officers attached to such Courts or employed in the administration of justice in connection therewith, shall extend and apply to such Provisional Judicial Districts as aforesaid, which shall be held and deemed to be Counties for all and every the purposes of such Acts and Laws, and of each and every of them, save and except that such Courts shall be held at such place in each such Provisional Judicial District as the Governor in Council by Proclamation shall from time to time appoint, and that the word "District" shall be substituted for the word "County" in the titles of such Courts and Officers, as well as in the interpretation of such Acts and Laws respectively, as applied to such Provisional Judicial Districts.

Justices of the Peace to have the powers which Justices of the Peace had in the Districts in U. C. before the passing of 4 & 5 V. c. 10.

VI. And be it enacted, That the Justices of the Peace appointed or to be appointed for any such Provisional Judicial District or Provisional Judicial Districts, or for any part or parts of this Province included therein, or wherein the same may be included, shall have, use, exercise and enjoy within such Provisional Judicial Districts respectively, all and every the jurisdiction, powers and authorities, and discharge and perform all the duties which the Justices of the Peace in and for the several Districts in Upper Canada, by law had and were entitled and required to use, exercise and enjoy, discharge and perform within such Districts respectively, immediately previous to and at the time of the passing of the Act of the Parliament of this Province, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, chaptered ten, and intituled, *An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein*, and also all such other powers and jurisdiction as may have been since conferred upon Justices of the Peace in general, in Upper Canada: Provided always, that it shall not be necessary for any such Justice of the Peace to possess the property qualification required by the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act for the qualification of Justices of the Peace*; And provided also, that all such Justices of the Peace and other officers, shall be entitled to the benefit of all provisions of law in force in Upper Canada, for the protection of Justices of the Peace and such other Officers as aforesaid.

4 & 5 V. c. 10.

Proviso:

6 V. c. 3.
Proviso.

Any territory not included in any Township may be included in a provisional District.

VII. And be it enacted, That it shall be lawful for the Governor, by Proclamation as aforesaid, to include within the limits of any such Provisional Judicial District as aforesaid, any portion or portions of a County or of Counties in Upper Canada not included in any Township; and thereupon such

such portion or portions shall for all purposes connected with the administration of Justice cease to belong to such County or Counties; but whenever such portion or portions so included in any such Provisional Judicial District as aforesaid, or any of them, or any part thereof, shall be formed or erected into a Township or Townships, the same shall thereupon cease to belong to or form part of any Provisional District in which the same may have been included; and whenever any portion or portions of any such Provisional Judicial District or Provisional Judicial Districts, which at the time of the formation thereof was not or were not included in any Township or County, shall be formed or erected into a Township or Townships, and attached to any County in Upper Canada, the same shall in like manner thereupon immediately cease to belong to or form part of such Provisional Judicial District or Provisional Judicial Districts.

When it shall be again separated.

VIII. And be it enacted, That nothing in this Act shall extend or be construed to extend to repeal or alter any of the provisions of an Act of the Parliament of Upper Canada, passed in the fifty-ninth year of King George the Third, intituled, *An Act to authorize the inquiry and trial of crimes and offences committed within this Province, without the limits of any described Township or County, to be had in any District thereof.*

Provisions of Act of U. C. 59 G. 3, c. 10, not to be affected.

IX. And be it enacted, That any person inciting Indians or half-breeds frequenting or residing in such tracts of country as aforesaid, to the disturbance of the public peace or to the commission of any other indictable offence, shall be guilty of a felony, and upon conviction thereof shall be sentenced to imprisonment for not more than five years nor less than two years in the Provincial Penitentiary: and that for and notwithstanding any thing to the contrary contained in an Act of the Parliament of this Province passed in the ninth year of Her Majesty's Reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province,* or in any other Act or law in force in Upper Canada, persons accused of inciting Indians or half-breeds as aforesaid, or accused or convicted of any other crime or offence in any such Provisional District as aforesaid, may be committed to any Common Gaol in Upper Canada; and it shall be lawful for the Constable or other officer having charge of such person and entrusted with his conveyance to any such Common Gaol, to pass through any County or Counties in Upper Canada with such person in his custody, and for the keeper of the Common Gaol of any County or Union of Counties in Upper Canada in which it may be found necessary to lodge for safe keeping any such person as aforesaid so being conveyed through such County or Counties in custody as aforesaid, to receive such person and him safely to keep and detain in such Common Gaol for such period as may be reasonable or necessary, and for the Keeper of any Common Gaol in Upper Canada, to

Persons inciting Indians, &c., to the commission of certain offences how punishable.

9 V. c. 41.

Persons accused or convicted of crimes in any such Provisional District may be committed to any Gaol in U. C.

which any such person may be committed as aforesaid, to receive such person and him safely to keep and detain in such Common Gaol under his custody until discharged in due course of law, or bailed in cases in which bail may by law be taken.

Certain Buildings to be deemed Gaols of such Provisional Districts.

X. And be it enacted, That all such buildings and erections as may be provided by the Commissioners of Public works by direction of the Governor in Council for the holding of Courts and for the safe custody of Prisoners in such Provisional Judicial Districts as aforesaid, shall for the time being be deemed the Court Houses and Gaols of each of such Provisional Districts respectively.

Any persons may be returned as Jurors in the said Provisional Districts.

XI. And be it enacted, That any Sheriff or other officer of any kind, whose duty it is or who may be legally required to summon and return Jurors or persons to serve as Jurors, within any of the said Provisional Districts, shall and may select, choose and return for such Jurors any of the inhabitants of such Provisional Districts respectively, without reference to the mode prescribed for selecting, balloting or returning such Jurors by the Upper Canada Jurors Acts, or any other Act or law which limits the choice of such officer or person in the selection of Jurors ; Provided always, that Juries *de medietate lingue*, and Juries of a like nature, may be ordered by the Court before which any cause or prosecution in any of the said Provisional Districts may be pending.

Proviso.

Public Act.

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

C A P . C L X X V I I .

An Act to amend the Upper Canada Division Courts Act, of one thousand eight hundred and fifty, and to extend the jurisdiction of the said Courts.

[Assented to 14th June, 1853.]

Preamble.

Act 13 & 14 V. c. 53, cited. Short title assigned to said Act.

WHEREAS by an Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the several Acts now in force regulating the practice of Division Courts in Upper Canada, and to extend the Jurisdiction thereof*, and in this Act called "The Upper Canada Division Courts Act of 1850," jurisdiction is given, as therein mentioned, to the Courts holden under the said Act, to hold plea of certain claims and demands of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, not exceeding Twenty-five Pounds, and of claims and demands in actions of tort to personal chattels, to and including the amount of Ten Pounds ; And whereas it is expedient to extend the provisions of the said Act to all personal actions (except as hereinafter mentioned) not exceeding Ten Pounds, and also to amend the said Act in the

the manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the jurisdiction of the several Division Courts in Upper Canada shall extend to, and the Judges of such Courts shall (in addition to the powers and jurisdiction conferred upon them by the said Act,) have power, jurisdiction and authority to hold plea of, all personal actions where the debt or damages claimed is not more than Ten Pounds; Provided always, that the said Division Courts shall not have cognizance of any action for any gambling debt, nor for spirituous or malt liquors drunk in a tavern or ale house, or of any action brought on any Note of Hand the consideration of which was any such debt, or for liquors drunk as aforesaid; or of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, custom or franchise shall be in question, or in which the validity of any devise, bequest or limitation under any will or settlement may be disputed, or of any action for malicious prosecution, or for any libel or slander, or for criminal conversation or seduction, or breach of promise of marriage; and the several powers and provisions of the said Upper Canada Division Courts Act of 1850, and all Rules, Orders and Regulations which have been or shall be made in pursuance of the same or of this Act, shall extend to all debts, damages and demands which may be sued for in the said Courts under the extended jurisdiction given by this Act, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto, respectively, as fully and effectually to all intents and purposes as the same respectively are now, or may be applicable to the claims and demands within the present jurisdiction of the said Courts.

Additional powers conferred on Division Courts.

Proviso: Division Courts not to have cognizance of certain actions.

Powers and provisions of 13 & 14 V. c. 53, extended to all cases cognizable by Division Courts.

II. And be it enacted, That this Act and the said recited Act shall be read and construed as one Act, as if the several provisions in the said recited Act, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act.

The said Act and this Act to be construed as one.

III. And be it enacted, That there shall be payable on every proceeding in the said Division Courts, and to the Clerks and Bailiffs of the Courts, such fees as are set down in the Schedule to the said recited Act, marked A: and if the fees on such proceedings shall not be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding, the payment thereof may be enforced by order of the Judge by such ways and means as any debt or damages ordered to be paid by the Court can be recovered:

Fees payable to be those in Schedule to 13 & 14 V. c. 53.

Payment how enforced.

Provided

Proviso:
Judge may in-
crease the fee
in certain
cases.

Provided always, that it shall be lawful for the Judge of every Division Court, at the trial of any cause in the said Court, to increase the fee for hearing any defended cause to a sum not exceeding Ten Shillings, whether the debt, damages or subject matter of the action is for a sum under or over Ten Pounds, or for the sum of Ten Pounds.

Judge may,
with consent
of parties,
refer any case
to arbitration;
Award to be
entered as a
judgment.

IV. And whereas it is desirable to extend the law of Arbitration to Division Courts, Be it therefore enacted, That the Judge holding any Division Court may, in any case, with the consent of both parties to the suit, or of their agents, order the same, with or without other matters within the jurisdiction of the Court, in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner and on such terms as he shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judge; and the award of the Arbitrator or Arbitrators or Umpire, shall be entered as the judgment in the cause, and shall be as binding and effectual, to all intents and purposes, as if given by the Judge: Provided that the Judge may, if he shall think fit, on application to him within fourteen days after the entry of such award, set aside such award so given as aforesaid, or may with the consent of both parties, as aforesaid, revoke the said reference and order another reference to be made in the manner aforesaid.

Proviso:
Award may
be set aside by
the Judge, for
cause.

How wit-
nesses may
be compelled
to appear be-
fore Arbitra-
tors and give
evidence.

V. And be it enacted, That when any reference shall have been made by any such order as aforesaid, either of the parties to the suit may obtain from the Clerk of any Division Court a Summons requiring the attendance before the said Arbitrator or Arbitrators, of any witness resident within the County, or served with Subpœna therein, with or without a clause requiring the production of books, papers and writings in his possession or control, and that the method of compelling the attendance of a witness before the Arbitrator or Arbitrators or Umpire upon such reference, shall be in the manner prescribed by the forty-eighth Section of the said Upper Canada Division Courts Act of 1850; and parties making default in attendance, or refusing or neglecting without sufficient cause, to produce any books, papers or writings required by such Summons to be produced, may be proceeded against and punished, in the manner provided for in the forty-eighth Section of the said recited Act, for disobedience of the Summons to a witness: And it shall be lawful for any one of such Arbitrators to administer an oath to the parties in such suit, and to all other persons that may be examined before such Arbitrator or Arbitrators, either on behalf of the plaintiff or defendant, or to take their affirmation in cases where affirmation is allowed by law instead of an oath; and every person who in any examination upon oath, or solemn affirmation before any such Arbitrator or Arbitrators, shall wilfully or corruptly give false evidence, shall be deemed guilty of perjury, and liable to the punishment which may, by law, be applicable to the crime of perjury.

Punishment of
witnesses
making de-
fault.

Arbitrators
may adminis-
ter oath to par-
ties or wit-
nesses.

False swear-
ing to be per-
jury.

VI. And be it enacted, That so much of the Act passed in the eighth year of the Reign of Queen Anne, intituled, *An Act for the better security of rents and to prevent frauds committed by tenants*, as relates to the liability of goods taken by virtue of any execution, shall not be deemed to apply to goods taken in execution under the process of any Division Court, but the landlord of any tenement in which any such goods shall be so taken, shall be entitled by any writing under his hand or under the hand of his agent, to be delivered to the Bailiff making the levy, (which writing shall state the terms of holding, and the rent payable for the same) to claim any rent in arrear then due to him, not exceeding the rent of four weeks when the tenement is let by the week, and not exceeding the rent accruing due in two terms of payment where the tenement is let for any other term less than a year, and not exceeding in any case the rent accruing due in one year; and in case of any such claim being so made, the Bailiff making the levy shall distrain as well for the amount of the rent so claimed, and the cost of such additional distress, as for the amount of money and costs for which the warrant of execution issued, and shall not proceed to sell the same, or any part thereof until after the end of eight days at least next following after such distress taken; and for every additional distress for rent in arrear, the Bailiff of the Court shall be entitled to have as the costs of the distress, instead of the fees allowed by the said Upper Canada Division Courts Act of 1850, the fees allowed by an Act of the Parliament of the late Province of Upper Canada, passed in the first year of Her Majesty's Reign, intituled, *An Act to regulate the costs of levying distresses for small rents and penalties*; and if any replevin be made of the goods so distrained, so much of the goods taken under the said warrant of execution shall be sold, as will satisfy the money and costs for which the said warrant issued, and the costs of the sale, and the surplus of such sale, and the goods so distrained, shall be returned as in other cases of distress for rent and replevin thereof; but no execution creditor under the said Upper Canada Division Courts Act of 1850 or this Act, shall be satisfied his debt, out of the proceeds of such execution and distress or execution only, where the tenant shall replevy, until the landlord who shall conform to the provisions of this Act shall have been paid the rent in arrear for the periods hereinbefore mentioned.

Part of Statute of Anne not to apply to goods taken in execution in Division Courts: recourse of landlord in such case.

Duty of Bailiff distraining.

Costs to Bailiff.

Act of U. C. 1 V. c. 16.

Proceedings if the goods are replevied.

Execution creditor not to be satisfied until the landlord is paid.

VII. And in amendment of the one hundred and second Section of the said Upper Canada Division Courts Act of 1850, Be it enacted, That if any claim shall be made to or in respect of any goods or chattels, property or security taken in execution or attached under process of any Division Court, or in respect of the proceeds or value thereof, by any landlord for rent, or by any person not being the party against whom such proceeding has issued, it shall be lawful for the Clerk of the Court, upon application of the officer charged with the execution of such process, as well before as after any action brought against such officer,

Sec. 102, of 13 & 14 V. c. 53 amended.

Proceedings in case any claim to goods or chattels seized or to the proceeds thereof, be made by any landlord or other third party.

officer, to issue a Summons calling before the Court out of which such process shall have issued or before the Court holden for the Division in which the seizure under such process shall have been made, as well the party issuing such process as the party making such claim; and thereupon any action which shall have been brought in any of Her Majesty's Superior Courts of Record at Toronto, or in any Local or Inferior Court, in respect of such claim, shall be stayed, and the Court in which such action shall have been brought, or any Judge thereof, on proof of the issue of such Summons, and that the goods and chattels, property or security were so taken in execution or upon attachment, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such Summons out of the Court, and the Judge of the Court shall adjudicate upon such claim, and make such order between the parties in respect thereof and of the costs of the proceedings, as to him shall seem fit: and such order shall be enforced in like manner as any order made in any suit brought in such Court, and such order shall be final and conclusive between the parties.

In what Division Court any suit may be entered and tried.

VIII. And be it enacted, (notwithstanding any thing contained in the Upper Canada Division Courts Act of 1850,) That all suits cognizable in a Division Court may be entered and tried in the Court holden for the Division in which the cause of action arose, or in the Court holden for the Division in which the Defendant, or where there shall be more than one Defendant, wherein one of the Defendants shall dwell or carry on his business at the time of the action brought, or, by leave of the Judge, according to the provisions contained in the next Section, in the Court holden for any division (whether in the same or in an adjoining County) adjacent to the Division in which the Defendant is resident.

Recital.

IX. And whereas in certain Divisions, the places fixed for holding the sittings of the Courts, and the offices of the Clerks thereof, may be situate at an inconvenient distance from the place of residence of certain parties residing in such Divisions, while a Division Court is held in the same or in an adjoining County more convenient for such parties, and it is desirable that procedure in the said Division Courts should be made as easy and inexpensive as may be to the suitors; Be it therefore enacted, That any suit cognizable in a Division Court may, by leave of the Judge of the Court in which such suit is to be brought, be entered and tried in any Court, (whether holden for a Division in the County in which the defendant resides, or holden for a Division in an adjoining County,) in which the said Judge shall specially order such suit to be entered and tried: and upon such order made, the defendant shall be liable to be sued in accordance therewith in any adjoining Division Court, whether situate in the County in which he resides, or an adjoining County; and every such suit may be entered, tried and proceeded

A suit may be entered and tried in any Court specially designated by the Judge of the Court in which it is to be brought

proceeded with in the same manner to all intents and purposes, as if the cause of action for which the same shall be brought, had arisen within the Division of the Court in which leave shall be so obtained as aforesaid to enter it, and the defendant were a resident therein.

X. And be it enacted, That it shall be lawful for the Governor of this Province, to appoint and authorize five of the Judges of the County Courts in Upper Canada, to frame such general rules as to them shall seem expedient, for and concerning the practice and proceedings of the Courts holden under the authority of the said Upper Canada Division Courts Act of 1850, and for the execution of the process of such Courts, and in relation to any of the provisions of the said Act, or of this Act, or of any Act to be hereafter passed, as to which there may have arisen doubts, or may have been conflicting decisions in the said Division Courts, or as to which there may hereafter arise doubts, and also to frame forms for every proceeding for which they shall think it necessary that a form should be provided ; and all such rules, orders and forms as aforesaid, shall be certified to the Chief Justice of Upper Canada, under the hands of the County Judges so appointed and authorized, or of any three of them, and shall be submitted by the said Chief Justice to the Judges of the Superior Courts of Common Law at Toronto, or to any four of them, and such Judges of the Superior Courts (of whom the said Chief Justice or the Chief Justice of the Court of Common Pleas at Toronto, shall be one) may approve or disallow, or alter or amend such rules or orders, and such of the rules as shall be so approved by such of the Judges of the Superior Courts, shall have the same force and effect as if the same had been made and included in this Act ; and in any case not expressly provided for by the said Upper Canada Division Courts Act of 1850, or by this Act, or by the said rules, the general principles of practice in the Superior Courts of Common Law at Toronto, may be adopted and applied in the discretion of the Judge, to actions and proceedings in the Division Courts ; and the contingent expenses connected with the framing and approval of such rules, and the printing thereof, shall be paid out of the General Fee Fund of the Division Courts : Provided always, that all rules and forms already legally made and approved and in force, shall, as far as applicable, remain in force until it is otherwise ordered : and Provided further, that copies of all such Rules made and approved of as herein provided, shall be forwarded by the Judges making the same, to the Governor of this Province, to be by him laid before each House of the Legislature.

The Governor may appoint five County Court Judges to frame rules of practice for Division Courts ; which being approved by a Chief Justice and three Judges of the Superior Courts of Law at Toronto, shall be valid.

Rule in cases unprovided for.

Expenses of making and printing rules, how paid. Proviso.

Proviso.

XI. And be it enacted, That in case any Judge before whom a suit shall be tried in a Division Court, shall think it proper to have any fact or facts controverted in the cause tried by a Jury, in such case a Jury of five persons present shall be returned instantly by the Clerk of the Court, to try such fact or facts

Jury may be had for trying any fact which the Judge shall think ought to be so tried.

facts as shall seem doubtful to such Judge, and the Judge may proceed to give judgment on the verdict of such Jury, or grant a new trial on the application of either party in the same way and under similar circumstances as new trials are granted in other cases on verdicts of Juries; and for the returning of such Jury the Clerk shall be entitled to a fee of One Shilling and Three Pence, and no more; Provided always, that nothing herein contained shall extend, or be construed to extend to affect the sole jurisdiction of the Judge in cases in which a Jury has not been legally demanded by the parties, but as heretofore in such cases, the Judge holding such Courts, shall be the sole Judge of all actions brought in the Division Courts, and shall determine all questions as well of fact as of law in relation thereto.

Fee.

Proviso:

Jurisdiction of Judge not affected.

Recital.

Clerks and Bailiffs receiving money, to give security.

Proviso:

Covenants entered into under s. 22 of 13 & 14 V. c. 53, and bonds, &c. not invalidated.

XII. And whereas there is no provision in the said Upper Canada Division Courts Act of 1850, requiring Clerks and Bailiffs to give security for accounting for, and for the due payment of fees, fines and moneys received by them respectively in the performance of their several duties; Be it therefore enacted, That every Clerk and Bailiff of a Division Court who may receive any fees, fines or moneys in the execution of his duty, shall give security by entering into a bond to Her Majesty, Her Heirs and Successors, in such sums, with so many sureties and in such form as the Governor of this Province shall see reason to direct for the due accounting for and payment of all fees, fines and moneys received by them respectively, by virtue of their respective offices, under the said Act, or under this Act, or under any Act to be hereafter passed, and also for the due performance of the duties of their several offices; Provided always, that nothing herein contained shall affect or be construed to affect the validity of any covenant entered into, under the Upper Canada Division Courts Act of 1850, or the remedy given thereunder to persons suffering damages by the default, breach of duty, or misconduct of any Clerk or Bailiff, or affect or be construed to affect any bond or security heretofore legally given by any County Treasurer, or any Clerk or Bailiff of a Division Court.

Clerks of Division Courts to make out, yearly, lists of moneys paid into Court and unclaimed during a certain time; List to be posted up and such sums unclaimed, after a certain time, to go to Fee Fund.

XIII. And be it enacted, That the Clerk of each Division Court shall, in the month of January, in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for six years before the last day of the month of December then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House or place where the Court is held, and at all times in the Clerk's Office: and all sums of money which shall have been paid into Court to the use of any suitor or suitors thereof, and which shall have remained unclaimed for

for the period of six years after the same shall have been paid into Court, or to the Officers thereof, and which are now in the hands of the Clerk or Bailiff, and all further sums of money which shall hereafter be paid into Court, or to the Officers thereof, to the use of any suitor or suitors, shall, if unclaimed for the period of six years after the same shall have been so paid, be applicable as part of the General Fee Fund of the Division Courts, and be carried to the account of such fund, and paid over by the Clerk or Officer holding the same, to the Treasurer of his County, and no person shall be entitled to claim any sum which shall have remained unclaimed for six years, but no time during which the person entitled to claim such sum shall have been an infant or *feme covert*, or of unsound mind, or out of the Province, shall be taken into account in estimating the six years.

Provision as to infants, &c.

XIV. And be it enacted, That from and after the commencement of this Act, no action shall be brought against any Bailiff of a Division Court, or against any person acting by the order and in aid of any Bailiff, for any thing done in obedience to any warrant under the hand of the Clerk of the Court and the Seal of the Court, until demand hath been made, or left at the residence of such Bailiff, by the party intending to bring such action, or by his Attorney or Agent in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case after such demand and compliance therewith, by shewing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such Bailiff or other person acting in his aid, for any such cause as aforesaid, without making the Clerk of the Court who signed or sealed the said warrant defendant, then, on producing or proving such warrant, at the trial of such action, the Jury shall give their verdict for the defendant, notwithstanding any defect of jurisdiction or other irregularity in or appearing by the said warrant; and if such action be brought jointly against such Clerk, and also against such Bailiff or person acting in his aid as aforesaid, then on proof of such warrant, the Jury shall find for such Bailiff, and for such person so acting as aforesaid, notwithstanding such defect or irregularity as aforesaid; and if the verdict shall be given against the said Clerk, then, in such case, the plaintiff shall recover his costs against him, to be taxed in such manner, by the proper officer, as to include the costs such plaintiff is liable to pay to the defendant for whom such verdict shall be found as aforesaid; and in any action to be brought as aforesaid, the defendant may plead the general issue, and give the special matter in evidence at any trial to be had thereupon.

Action against Bailiff, not to be brought except after certain notice, &c.

As to action where Clerk is not made a Defendant.

And as to actions where the Clerk is made a Defendant.

XV. And be it enacted, That in construing this Act, the word "landlord" shall be understood to include the person entitled

Interpretation Clause.

entitled to the immediate reversion of the lands, or, if the property be held in joint tenancy, coparcenary or tenancy in common, shall be understood to include any one of the persons entitled to such reversion; and the word "agent," shall be understood to mean any person usually employed by the landlord in letting of lands or in the collection of the rents thereof, or specially authorized to act in any particular matter, by writing under the hand of such landlord.

In case of separation of United Counties, Division Courts of Junior County to remain Division Courts thereof until it be otherwise ordered.

XVI. And be it enacted, That when a Junior County shall separate from a Senior County or Union of Counties, the Division Courts of such United Counties as were before the separation of such Junior County from such Union of Counties wholly within the territorial limits of such Junior County shall be, remain and continue Division Courts of such Junior County until the Justices of the Peace of such Junior County, in General Quarter Sessions assembled shall declare and appoint the number, limits and extent of the divisions for Division Courts within the limits of such Junior County, and all proceedings and judgments had and taken therein until the new Division shall come in force shall be, remain and continue proceedings and judgments of the said Division Courts respectively; and all such Division Courts shall be known as Division Courts of such Junior County by the same numbers respectively, as they were known while the said Division Courts were Division Courts of any such Union of Counties, until they are altered by the Justices of the Peace of such Junior County as herein provided.

In what Court proceedings shall be completed when the Divisions are altered in any County.

XVII. And be it enacted, That whenever the Justices of the Peace of any County in Upper Canada, in General Quarter Sessions assembled, shall alter the number, limits and extent of the Division Courts within such County, all proceedings and judgments had and taken in any Division Court before the day when such alteration is to take effect, shall be continued and prosecuted in such Division Court of such County as the Judge of the County Court of the County in which such alteration is made shall order and direct; and all proceedings and judgments which shall be continued and prosecuted in any such Division Court, by the order or direction of the Judge of the County Court as aforesaid, shall be considered and are hereby declared to be proceedings and judgments of the said Division Court to which they shall be so transferred, and shall be as valid and effectual to all intents and purposes as if such proceedings and judgments had been commenced, prosecuted and obtained in the Division Court to which they shall be so transferred by the Judge.

All papers and documents in any suit transferred from one Court to

XVIII. And whenever a Junior County shall be separated from a Union of Counties, or the proceedings of any of the Division Courts of a Senior County be transferred to any other Division Court within the said County, upon the order or direction

direction of the Judge thereof as hereinbefore provided, the Clerks or other Officers of such Division Courts, or any of them, in whose possession shall be held any writs, papers or documents connected with or appertaining to any such Court or the business thereof, shall deliver up the said writs, papers or documents, or any of them, to such person or persons as the Judge of the said County Court shall order and direct; and any person or persons who shall refuse to deliver up such writs, papers or documents, or any of them, to such person or persons as the Judge of the County Court shall order or direct, shall be liable to be proceeded against in the same manner as persons wrongfully holding papers and documents under the provisions of the thirteenth Section of the said Upper Canada Division Courts Act of 1850.

another to be delivered over to such person as the Judge shall direct.

XIX. And be it enacted, That whenever after separation of any Junior County from any Union of Counties, it shall happen that the territorial limits of any of the Division Courts of the former Union of Counties shall be partly within the limits of the Junior County and partly within the limits of the Senior County, then and in such case all proceedings, processes, suits, orders and judgments which are commenced in such Division Courts of the former Union of Counties, shall and may be continued and prosecuted to completion in the Division Court where the proceedings were originally commenced, or in such other Division Court of the said Senior County, as the Judge of said Senior County shall order and direct; and the Clerks and other Officers of the said Division Courts of the said Senior County, in whose possession may be held any writs, papers or documents connected with or appertaining to any such Court or the business thereof, shall deliver over the same to the Clerk of such Division Court of such County as the Judge thereof shall order and direct.

Case of a Division being partly in a Senior and partly in a Junior County when they are separated, provided for.

XX. And be it enacted, That at the first Sittings of the General Quarter Sessions of the Peace for any Senior County, after the issue of any proclamation for separating a Junior from a Senior County, the Justices there present, shall declare and appoint the number, (not less than three, nor more than twelve,) limits and extent of the several Divisions within such County or Counties and the time when such change of Divisions shall take effect: Provided always, that if the Justices shall not or may not have made such change of Divisions at such first Sittings of the Quarter Sessions, which may have taken place after the issuing of such proclamation, it shall be lawful for them to do so at any other Sittings of such Court, but a less number of Justices shall not have power to rescind or alter any resolution or order made by a greater number under the provision of this Section.

Justices to divide Junior County at first sittings in Q. S.

Proviso: but such division may be made at a subsequent sitting.

XXI. And be it enacted, That if any Collector shall neglect or refuse, for the space of six days after demand made in writing, to furnish the Clerk of the Division in which the Township, Town,

Penalty on Collector neglecting to furnish List of

persons liable to serve as Jurors at Division Courts, and how enforced.

Town, City or Ward for which he is a Collector, is wholly or in part situate with a correct list of the names of persons liable to serve as Jurors in the Division Court, according to the provisions of the thirty-fifth Section of the Upper Canada Division Courts Act of 1850, it shall be lawful for the said Clerk to issue a Summons to be served on the said Collector, requiring him to appear at the then next sitting of the said Division Court, to show cause why he hath refused or neglected to comply with the provisions of the said Section, and which said Summons shall be personally served on the said Collector three days at least before the sitting of the said Court, and upon proof of the service of such Summons, it shall be in the power of the said Judge holding the said Division Court, to inquire into the said neglect or refusal in a summary manner, and impose such fine upon the said Collector, not exceeding Five Pounds, or give further time to the Collector as he shall deem just, and also to make such order for the payment of the costs of the proceedings by the Collector as to the said Judge may seem meet, and all orders made by the said Judge for the payment of any fine or costs, shall be enforced by such ways and means against the said Collector as is provided for enforcing Judgment in the said Courts: Provided always, and it is hereby declared and enacted, That no person shall be compelled to serve as a Juror in any Division Court who is by Law exempted from serving as a Petty Juror in any of the Superior Courts of Record in Upper Canada.

Proviso.

Judge may examine Plaintiff or Defendant in proof of certain facts in cases not over 40s.

XXII. And be it enacted, That in any Division Court from and after the passing of this Act, in any case of debt or contract brought for a demand not exceeding Forty Shillings, in which the Plaintiff shall give sufficient evidence to satisfy the Judge that the Defendant has become indebted to such Plaintiff, but the Plaintiff shall not have evidence to establish the particular amount, it shall be lawful for the Court in its discretion to examine the Plaintiff on his oath, touching the items of such account, and to give judgment thereupon accordingly, and such Judge may also under like circumstances examine the Defendant as to the amount of any payment or set off in any such case, and may give judgment accordingly for such Defendant.

Notwithstanding 16 V. c. 19, Judge may cause Plaintiff or Defendant to be examined when he shall deem it right.

XXIII. And be it enacted, That for and notwithstanding any thing contained in the Statute passed during this present Session of Parliament, intituled, *An Act to repeal the Acts therein mentioned, and to improve the Law of Evidence in Upper Canada*, it shall and may be lawful for the Judge holding any Division Court in Upper Canada, to require the Plaintiff or Defendant in any cause or proceeding brought or taken before him in such Court, to be examined under oath (or solemn affirmation) whenever such Judge may think it conducive to the ends of Justice, that such examination should be so had and taken.

XXIV. And be it enacted, That the orders, decisions and judgments of the several Courts of Requests existing in Upper Canada, in force on the thirtieth day of November, one thousand eight hundred and forty-one, and still unsatisfied, shall be, and shall be taken to have been orders, decisions and judgments of the several Division Courts, to the Clerks of which the books, papers and documents connected with the business of such Courts of Requests have been delivered by order of any Judge of a District or County Court in Upper Canada, and such orders, decisions and judgments shall be carried out and enforced in the same manner as similar proceedings in such Division Courts; Provided always, that no proceedings shall hereafter be taken by any Judge of a County Court to carry out and enforce such orders, decisions or judgments, unless he is satisfied by the oath of the party, and such other evidence as he may require, (all of which to be reduced to writing,) that it is just and agreeable to equity and good conscience that the same should be enforced.

Judgments, &c. of former Court of Requests, to be dealt with as Judgments, &c. of Division Courts.

Proviso.

XXV. And be it enacted, That in addition to the salary which may now by law be paid to the several County Judges in Upper Canada, a further sum, not exceeding Fifty Pounds a year, may be paid to each of such Judges, as an indemnity for his travelling expenses, to be paid in the same manner and out of the same funds as the salaries of such Judges are now payable by law; and the Governor of the Province may at all times issue his Warrant in favor of the County Treasurer for an amount to make up the deficiency of the salary and indemnity for travelling expenses of the Judge of any such County, and the amount of such Warrant shall be charged upon the Consolidated Revenue Fund of this Province: Provided always, that in fixing the amount to be allowed to each of such Judges, as an indemnity for travelling expenses, due regard shall be had to the extent, population, amount of business and other circumstances of the several Counties and Divisions, and the remuneration for the purpose aforesaid to be paid to the said Judges, not exceeding the said sum of Fifty Pounds annually, may be increased or diminished by the authority of the Governor in Council; but nothing herein contained shall be construed to make it necessary to fix any such allowance for travelling expenses to the Judge of any County, unless the Governor in Council shall be satisfied that under the provisions herein contained the same ought to be made.

Additional sum not exceeding £50 per annum, may be allowed to County Judges for travelling expenses.

Proviso: considerations upon which such allowance shall be fixed.

XXVI. And be it enacted, That the Judge holding any Division Court in Upper Canada shall have power, if he thinks it conducive to the ends of justice so to do, to adjourn the hearing of any cause in order to permit either party to summon or produce further testimony, or to serve or give any notice which may be necessary to enable such party to enter more fully into his defence, or for any other cause which the said Judge may deem reasonable, upon such conditions as to the payment

Judge may adjourn the hearing of any cause in order to allow production of further evidence, &c.

payment of costs and admission of evidence or other equitable terms as to him may seem meet.

How Defendant shall proceed if he desires to plead any tender.

XXVII. And be it enacted, That if any Defendant in any action of debt or contract brought against him in any Division Court, shall desire to plead a tender, before action brought, of a sum of money in full satisfaction of the Plaintiff's claim, he shall be at liberty so to do on filing his plea with the Clerk of the Court, before which he is summoned to appear, at least six days before the day appointed for the trial of the cause, and at the same time paying into Court the amount of the money mentioned in such plea, and notice of such plea and payment shall be forthwith communicated by the Clerk of the said Court to the Plaintiff by post (on receiving the necessary postage,) or by sending the same to his usual place of abode or business, and the said sum of money shall be paid to the Plaintiff, less Five Shillings, to be paid over to the Defendant for his trouble, in case the Plaintiff do not further prosecute his suit, and all proceedings in the said action shall be stayed, unless the Plaintiff shall, within three days after the receipt of notice of such payment, signify to the Clerk of the said Court his intention to proceed for his demand, notwithstanding such plea, and in such case the action shall proceed accordingly, and if the decision thereon shall be for the Defendant, the Plaintiff shall pay the Defendant his costs, charges and expenses, to be awarded by the Court, and the amount thereof may be paid over to him out of the money so paid in with the said plea, or may be recovered from the Plaintiff in the same manner as any other money payable by a Judgment of the said Court: Provided always, if the decision shall be in favor of the Plaintiff, the full amount of the money paid into Court as aforesaid shall be applied to the satisfaction of his claim, and a Judgment may be pronounced against the Defendant for the balance due and the costs of suit according to the usual practice of the Court in other cases.

Proceedings if the Plaintiff do not accept such tender.

Plaintiff's & Defendant's Books admissible evidence.

XXVIII. And be it enacted, That the provision of the seventy-second section of the Upper Canada Division Courts Act of 1850, so far as relates to the receiving in evidence of the Plaintiff's books in certain causes in the said Courts, to the extent of Five Pounds, shall be extended and apply to any set off or plea of payment to that amount on the part of the Defendant, whose books shall in like manner be received in evidence on behalf of such Defendant; and the power to grant new trials, given to the Judges of such Courts by the said section, may be exercised by such Judges, although the granting of such new trials might postpone the issuing of execution against the Defendant, in the event of Judgment being finally given against him, for a longer period than fifty days from the service of the Summons.

New trials.

XXIX. And be it enacted, That the eighty-seventh section of the said Act shall be and the same is hereby repealed, and the following section shall be substituted for and read instead thereof: "And be it enacted, That any Summons or other process, which, under this Act, shall be required to be served out of the Division of the Court from which the same shall have issued, may be served by the Bailiff of such or any other Division Court within the County holden under this Act, and such service shall be as valid as if the same had been made by a Bailiff of the Court out of which the Summons or Process shall have been issued within the jurisdiction of the Court for which he acts."

Sec. 87 of 13 & 14 V. c. 53, repealed, and other provisions substituted.

Service of Process out of the Division.

XXX. And be it enacted, That the Summons to be issued under the ninety-first section of the said Act, may be issued from the Division Court wherein the Judgment was obtained, as well as from the Division Court within the limits of which the Defendant shall dwell or carry on his business, as is provided by such Section, and thereupon such further proceedings may be had thereon as if such summons had issued in the manner pointed out by such Section.

Where the summons under s. 91 of 13 & 14 V. c. 53, may be obtained.

XXXI. And be it enacted, That the Clerks of the several Division Courts shall prepare the proper affidavit of service of all Summons issued out of the said Courts to the Bailiffs of such Courts respectively, stating how the same was served, the day of such service, and the distance such Bailiff necessarily travelled to effect such service, which affidavit shall be annexed to or endorsed on the Summons; and for preparing such affidavit and administering the oath to such Bailiff, such Clerk shall receive to his own use and benefit, from the Plaintiff in the suit, the sum of Nine Pence, which may be taxed as costs in the cause; Provided that nothing herein contained shall prevent the Judge of such Court, if he shall think fit, from requiring such Bailiff to be sworn in his presence, and to answer such questions as may be put to him touching such service and mileage.

Clerks of Division Courts to prepare affidavits relative to service of process.

Proviso.

XXXII. And be it enacted, That in citing, pleading or otherwise referring to the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intitled, *An Act to amend and consolidate the several Acts now in force regulating the practice of Division Courts in Upper Canada, and to extend the jurisdiction thereof*, it shall in all cases whatsoever be sufficient to use the expression, "*The Upper Canada Division Courts Act of 1850*," or words, or words and figures of equivalent import; and that in citing, pleading or otherwise referring to this Act, it shall in all cases whatsoever be sufficient to use the expression, "*The Upper Canada Division Courts Extension Act of 1853*," or words, or words and figures of equivalent import; and that in pleading, citing or otherwise referring to the said Acts and any other Acts that may be hereafter passed, touching or concerning or in any wise relating

Short Titles of the several Acts relative to Division Courts;

Of 13 & 14 V. c. 53.

Of this Act.

Of such Acts generally.

relating to the said Division Courts, it shall in all cases whatsoever be sufficient to use the expression, *The Upper Canada Division Courts Acts*, or words of equivalent import, which shall in all cases be understood to include and refer to such and so much of the said Acts as shall be then in force touching or concerning or in any wise relating to such Courts.

Before whom affidavits used in Division Courts may be sworn.

XXXIII. And be it enacted, That all affidavits to be used in the Division Courts, or before the Judges thereof, may be sworn before any County Judge, or any Clerk of a Division Court, or Commissioner for taking affidavits in either of the Superior Courts of Common Law in Upper Canada.

Commencement of this Act.

XXXIV. And be it enacted, That this Act shall commence and take effect on the first day of July, one thousand eight hundred and fifty-three.

C A P . C L X X V I I I .

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to Summary Convictions and Orders.

[Assented to 14th June, 1853.]

Preamble.

Where an information is laid or a complaint made before a Justice of the Peace that a party has committed an offence, such Justice may issue a Summons to such party.

WHEREAS it would conduce much to the improvement of the administration of justice within that part of this Province called Upper Canada, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and parts of Statutes relating to the duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where an Information shall be laid before one or more of Her Majesty's Justices of the Peace for any Territorial Division in Upper Canada, that any person has committed or is suspected to have committed any offence or act within the jurisdiction of such Justice or Justices of the Peace, for which he is liable by law upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined or otherwise punished; and also in all cases where a complaint shall be made to any such Justice or Justices, upon which he or they have or shall have authority by law to make any Order for the payment of money

money or otherwise, then in every such case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A), directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices for the same Territorial Division as shall then be there; to answer to the said information or complaint, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him, at his last or most usual place of abode; and the Constable, Peace Officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of the said Summons; Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any Order of Justices is by law to be made *ex parte*: Provided also, that no objection shall be taken or allowed to any Information, Complaint or Summons, for any alleged fact therein, in substance or in form, or for any variance between such Information, Complaint or Summons, and the evidence adduced on the part of the Informant or Complainant at the hearing of such information or complaint as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

How Summons to be served.

Proviso: Justices not obliged in certain cases to issue Summons.

Proviso: No objection allowed for want of form.

In certain cases of variance, hearing may be adjourned.

II. And be it enacted, That if the person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the time and place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by oath or affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon oath or affirmation being made before him or them, substantiating the matter of such information or complaint to his or their satisfaction, to issue his or their Warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the said information or complaint, and to be further dealt with according to law; or upon such information being laid as aforesaid for any offence punishable on conviction, the Justice or Justices before whom such information shall

If Summons be not obeyed, Justice may issue Warrant,

Or may issue Warrant in the first

have

instance, on information upon affidavit in certain cases.

Or if the Summons having been duly served, be not obeyed, the Justice may proceed *ex parte*.

Warrant to be under Hand and Seal of Justice.

To whom it shall be directed.

It shall mention the offence and contain name and description of person to be apprehended, &c.

It need not be returnable at any particular time.

When and where and how it may be executed.

have been laid may, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information to his or their satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C) for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the said information, and to be further dealt with according to law; or if where a Summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said Summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such Summons, then and in every such case, if it be proved upon oath or affirmation to the Justice or Justices then present, that such Summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the hearing of such information or complaint, and to adjudicate thereon, as fully and effectually to all intents and purposes as if such party had personally appeared before him or them in obedience to the said Summons.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to such information or complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the Territorial Division within which the same is to be executed, or to such Constable and all other Constables within the Territorial Division within which the Justice or Justices issuing such Warrant hath or have jurisdiction, or generally to all Constables within such last mentioned Territorial Division; and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constable or other Peace Officer to whom it is directed, to apprehend the said Defendant, and to bring him before one or more Justice or Justices of the Peace, as the case may require, of the same Territorial Division, to answer to the said information or complaint, and to be further dealt with according to law; and that it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in full force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any place within the Territorial Division within which the Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining Territorial Division, within seven miles of the border of such first mentioned Territorial Division without having such Warrant backed as hereinafter mentioned; and in all cases in which such Warrant shall be directed to all Constables

Constables or Peace Officers within the Territorial Division within which the Justice or Justices issuing the same shall have jurisdiction, it shall be lawful for any Constable or Peace Officer for any place within the limits of the jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like manner as if such Warrant were directed specially to such Constable by name, and notwithstanding that the place in which such Warrant shall be executed, shall not be within the place for which he shall be such Constable or Peace Officer; and if the person against whom any such Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it was issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or Lower Canada, out of the jurisdiction of the Justice or Justices issuing the Warrant, any Justice of the Peace within whose jurisdiction such person shall be or be suspected to be as aforesaid, upon proof alone upon oath of the hand-writing of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the Territorial Division where the endorsement is made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same, and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction; Provided always, that no objection shall be taken or allowed to any such Warrant to apprehend a Defendant, so issued upon any such information or complaint as aforesaid under or by virtue of this Act, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Informant or Complainant as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing, to be such that the party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D) the said Defendant to the Common Gaol or any other prison, Lock-up House, or place of security, within the Territorial Division or place within which the said Justice or Justices may be acting, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E), with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not

Backing of Warrant when taken into another jurisdiction, how performed, and its effect.

Proviso: No objection allowed for want of form in the Warrant.

But if the party charged is deceived by the variance, the hearing may be postponed, and he may be committed or discharged upon Recognizance.

Proviso: if he fail to re-appear, the Jus-

afterwards

Justice, after certifying his non-appearance on the back of the Recognizance, may transmit the same to the Clerk of the Peace.

afterwards appear at the time and place in such Recognizance mentioned, then the said Justice, who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the Territorial Division within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Description of property of partners, &c., in any information or complaint or proceedings thereon.

IV. And be it enacted, That in any information or complaint or proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be; and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building made, maintained or repaired at the expense of any Territorial Division, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such Territorial Division respectively.

Property of a Municipality, &c.

Aiders and abettors in the commission of offences punishable on Summary conviction, may be dealt with as principals, and where.

V. And be it enacted, That every person who shall aid, abet, counsel or procure the commission of any offence which is or hereafter shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable, and may be proceeded against and convicted either in the Territorial Division or place where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling or procuring may have been committed.

Power to Justice to summon witnesses to attend and give evidence.

VI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily be and appear as a witness at the time and place appointed for the hearing of such information or complaint, such Justice may, and is hereby required to issue his Summons (G 1,) to such person, under his Hand and Seal, requiring him

him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same Territorial Division as shall then be there, to testify what he shall know concerning the said information or complaint; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode) it shall be lawful for the Justice or Justices before whom such person should have appeared, to issue a Warrant (G 2,) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as shall be then there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied, by evidence upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such Summons it shall be lawful for him to issue his Warrant (G 3,) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to such Summons or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4,) under his Hand and Seal, commit the person so refusing to the Common Gaol for the Territorial Division where such person refusing shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall, in the meantime, consent to be examined and to answer concerning the premises.

If Summons be disobeyed by witness without just excuse, Justice may issue Warrant.

Justice may, on proof that witness will probably refuse to attend, issue his Warrant in the first instance. Witnesses refusing to be examined, may be committed.

VII. And be it enacted, That in all cases of complaint upon which a Justice or Justices of the Peace may make an Order for the payment of money or otherwise, such complaint shall be in writing, and on oath, unless it shall be enacted or provided to the contrary by some particular Act of Parliament upon which such complaint shall be framed.

Certain Complaints must be in writing. Exception.

VIII. And be it enacted, That in all cases of informations for any offences or acts punishable upon Summary Conviction,

As to any variance be any

tween information and the facts or evidence.

If the party charged be deceived by variance between information and evidence, the hearing may be adjourned and he may be committed or discharged upon recognizance.

Proviso : If he fail to appear, the Justice may certify the facts and transmit the recognizance to the Clerk of the Peace.

Complaint or information must be made upon oath except in certain cases.

And always where Warrant is issued in the first instance, com-

any variance between such information and the evidence adduced in support thereof as to the time at which such offence or act shall be alleged to have been committed, shall not be deemed material if it be proved that such information was in fact laid within the time limited by law for laying the same ; and any variance between the said information and the evidence adduced in support thereof, as to the place in which the offence or act shall be alleged to have been committed, shall not be deemed material, provided the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom such information shall be heard and determined ; and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the hearing, to be such that the party charged by such information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D) the said Defendant to the Common Goal or other prison, Lock-up House or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E) with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned : Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the time and place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the Territorial Division within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

IX. And be it declared and enacted, That every such complaint upon which a Justice or Justices of the Peace is, or are or shall be authorized by law to make an Order, and that every information for any offence or act punishable upon Summary Conviction, (unless some particular Act of Parliament shall otherwise permit,) shall respectively be made or laid on oath or affirmation as to the truth thereof, and in all cases of informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance, to apprehend the Defendant as aforesaid ; and in every case where the Justice or Justices shall issue his or their Warrant in the first instance, the matter of such information shall be substantiated by the oath or affirmation of the informant,

or by some witness or witnesses on his behalf before any such Warrant shall be issued, and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every such information shall be for one offence only, and not for two or more offences, and every such complaint or information may be laid or made by the Complainant or Informant in person, or by his Counsel or Attorney, or other person authorized in that behalf.

plaint or information to be for one matter only.

X. And be it enacted, That in all cases where no time is already or shall hereafter be specially limited for making any such complaint or laying any such information, in the Act or Acts of Parliament relating to such particular case, such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

Time limited for information or complaint.

XI. And be it enacted, That every such complaint or information shall be heard, tried, determined and adjudged by one or two or more Justice or Justices of the Peace, as shall be directed by the Act or Acts of Parliament upon which such complaint or information shall be framed, or such other Act or Acts of Parliament as there may be in that behalf; and if there be no such direction in any such Act of Parliament, then such complaint or information may be heard, tried, determined and adjudged by any one Justice for the Territorial Division, where the matter of such information or complaint shall have arisen; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information, shall be deemed an open and public Court to which the public generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made or information laid, shall be admitted to make his full answer and defence thereto and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf; and every Complainant or Informant in any such case shall be at liberty to conduct such complaint or information respectively and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf.

As to the hearing of complaints and informations.

Places in which Justices shall sit to hear complaints, &c., to be deemed an open Court.

Party may plead by Counsel or Attorney.

XII. And be it enacted, That if at the day and place appointed in and by the Summons aforesaid for hearing and determining such complaint or information, the Defendant against whom the same shall have been made or laid, shall not appear when called, the Constable or other person who shall have served him with the Summons in that behalf, shall then declare upon oath in what manner he served the said Summons; and if it appear to the satisfaction of the Justice or Justices that he duly served the said Summons, in that case such Justice or Justices may proceed to hear and determine the case in the absence of such Defendant, or the said Justice or Justices, upon the non-appearance of such Defendant as aforesaid, may

If Defendant does not appear at the time and place appointed for hearing the complaint, Justice may proceed to hear and determine, or issue Warrant, and adjourn the hearing till Defendant

if

is apprehended.

if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the hearing of such complaint or information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same Territorial Division, who shall thereupon, either by his or their Warrant (H) commit such Defendant to the Common Gaol or other prison, Lock-up House or place of security, or if he or they think fit, verbally to the custody of the Constable or other person who shall have apprehended him, or to such other safe custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain time and place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due notice; or if upon the day and at the place so appointed as aforesaid, such Defendant shall appear voluntarily in obedience to the Summons in that behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the said Complainant or Informant, having had due notice as aforesaid, do not appear by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such complaint or information, unless for some reason he or they shall think proper to adjourn the hearing of the same until some other day, upon such terms as he or they shall think fit, in which case such Justice or Justices may commit (D) the Defendant in the meantime to the Common Gaol or other Prison, Lock-up House or place of security, or to such other custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E) with or without Surety or Sureties at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the Territorial Division in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant; but if both parties appear, either personally or by their respective Counsel or Attorneys, before the Justice or Justices who are to hear and determine such complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

If Defendant appear, and complainant, &c. do not, Justice may dismiss the complaint, &c. or adjourn hearing, and commit or discharge Defendant upon Recognizance

But if Defendant fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both parties appear, Justice to hear and determine the case.

Proceedings on the hearing of complaints

XIII. And be it enacted, That when such Defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he

he have any cause to shew why he should not be convicted, or why an Order should not be made against him, as the case may be; and if he thereupon admit the truth of the information or complaint, and shew no cause or no sufficient cause why he should not be convicted, or why an Order should not be made against him, as the case may be, then the Justice or Justices present at the said hearing, shall convict him or make an Order against him accordingly; but if he do not admit the truth of such information or complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the Defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any witnesses or given any evidence other than as to his the Defendant's general character; but the Prosecutor or Complainant shall not be entitled to make any observations in reply upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make an Order upon the Defendant or dismiss the information or complaint, as the case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no fee shall be paid, and the conviction (I 1, 3,) or Order (K 1, 3,) shall afterwards be drawn up by the said Justice or Justices in proper form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace to be by him filed among the Records of the General or Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such information or complaint, it shall be lawful for such Justice or Justices, when required so to do, to make an Order of Dismissal of the same (L), and shall give the Defendant on that behalf a Certificate thereof (M), which said Certificate afterwards upon being produced, without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively, against the same party: Provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso or condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that behalf to prove such negative, but the Defendant may prove the affirmative thereof in his defence, if he would have advantage of the same.

and information.

After hearing evidence, Justice to determine the matter.

If he convict Defendant, he shall draw up an Order to that effect, and transmit the same to the Clerk of the Peace,—or if he dismiss the complaint, he shall, if required, draw up an Order of Dismissal, and give the Defendant a Certificate thereof.

Proviso: if information or complaint negative any exemption.

Prosecutors and Complainants in certain cases to be deemed competent witnesses and examined upon oath, &c.

XIV. And be it enacted, That every Prosecutor of any such information, not having any pecuniary interest in the result of the same, and every Complainant in any such complaint as aforesaid, whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint respectively, and every witness at any such hearing as aforesaid, shall be examined upon oath or affirmation, and the Justice or Justices before whom any such witness shall appear for the purpose of being so examined, shall have full power and authority to administer to every such witness the usual oath or affirmation.

Justice may adjourn the hearing of any case, and commit Defendant, or suffer him to go at large, or discharge him upon his Recognizance, with or without sureties.

XV. And be it enacted, That before or during such hearing of any such information or complaint, it shall be lawful for any one Justice or for the Justices present, in their discretion, to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D) him to the Common Gaol or other prison, Lock-up House or other place of security within the Territorial Division for which such Justice or Justices shall then be acting, or to such other safe custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his Recognizance (E), with or without Sureties at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and if, at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally or by his or their Counsel or Attorneys respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such hearing or further hearing as if such party or parties were present; or if the Prosecutor or Complainant do not appear, the said Justice or Justices may dismiss the said information or complaint with or without costs as to such Justices shall seem fit: Provided always, that in all cases when a Defendant shall be discharged upon his Recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the Territorial Division in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Proceedings if Defendant or Plaintiff appear.

If Defendant fail to re-appear, the Justice may, after certifying his non-appearance on the back of the Recognizance, transmit the same to the Clerk of the Peace.

XVI. And be it enacted, That in all cases of conviction where no particular form of such conviction is or shall be given by the Statute creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Statutes hitherto passed, whether any particular form of conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict, to draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 3,) in the Schedule of this Act contained as shall be applicable to such case, or to the like effect; and when an Order shall be made, and no particular form of Order is or shall be given by the Statute giving authority to make such Order, and in all cases of Orders to be made under the authority of any Statutes hitherto passed, whether any particular form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made, to draw up the same in such one of the forms of Orders (K 1, 3,) in the Schedule to this Act contained, as may be applicable to such case, or to the like effect; and in all cases when by an Act of Parliament authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying any Order of a Justice or Justices, the Defendant shall be served with a copy of the Minute of such Order before any Warrant of Commitment or of Distress shall issue in that behalf, and such Order or Minute shall not form any part of such Warrant of Commitment or of Distress.

Form of convictions and orders to be as in Schedule, where no particular form is given in the Statute creating the offence.

Defendant to be served with copy of order before distress or commitment.

XVII. And be it enacted, That in all cases of Summary Conviction or of Orders made by a Justice or Justices of the Peace, it shall be lawful for the Justice or Justices making the same, in his or their discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such costs as to the said Justice or Justices shall seem reasonable in that behalf, and not inconsistent with the Fees established by law to be taken on proceedings had by and before Justices of the Peace under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada, passed in the fourth year of the Reign of King William the Fourth, chapter seventeen,* or with the provisions of any other Act or Law in force in Upper Canada regulating fees or costs in proceedings before Justices of the Peace; and in cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them in his or their discretion in and by his or their Order of Dismissal, to award and order that the Prosecutor or Complainant, respectively, shall pay to the Defendant such costs as to the said Justice or Justices shall seem reasonable and according to law as aforesaid;

Power to Justice to award costs—not inconsistent with the Fees to be taken under 14 & 15 V. c. 119, or any other Act.

Costs so allowed shall be specified in Conviction or Order or Order of Dismissal, and may be recovered by distress.

aforsaid ; and the sums so allowed for costs shall in all cases be specified in such Conviction or Order or Order of Dismissal as aforsaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to be paid in and by such Conviction or Order is to be recoverable, and in cases where there is no such penalty or sums of money to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of such distress, by imprisonment, with or without hard labor, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Powers to Justice to issue Warrant of distress, in cases where a pecuniary penalty, &c. has been adjudged.

XVIII. And be it enacted, That where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an Order requires the payment of a sum of money, and by the Statute authorizing such Conviction or Order, such penalty, compensation or sum of money is to be levied upon the goods and chattels of the Defendant, by distress and sale thereof, and also in cases where, by the Statute in that behalf, no mode of raising or levying such penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the Justice or any one of the Justices making such Conviction or Order, or for any Justice of the Peace for the same Territorial Division, to issue his Warrant of Distress (N 1, 2,) for the purpose of levying the same, which said Warrant of Distress shall be in writing, under the Hand and Seal of the Justice making the same ; and if, after delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed, sufficient distress shall not be found within the limits of the jurisdiction of the Justice granting such Warrant, then upon proof alone being made upon oath of the hand-writing of the Justice granting such Warrant, before any Justice of any other Territorial Division, such Justice of such other Territorial Division shall thereupon make an endorsement (N 3,) on such Warrant, signed with his Hand, authorizing the execution of such Warrant within the limits of his jurisdiction, by virtue of which said Warrant and endorsement the penalty or sum aforsaid and costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the person bringing such Warrant, or by the person or persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last mentioned Territorial Division, by distress and sale of the goods and chattels of the Defendant in such other Territorial Division : Provided always that whenever it shall appear to any Justice of the Peace to whom application shall be made for any such Warrant of Distress as aforsaid, that the issuing thereof would be ruinous to the Defendant and his family, or whenever it shall appear to the said Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such distress, then and in every such case it shall be lawful

If sufficient distress be not found within limits of his jurisdiction, the Warrant may be endorsed by a Justice of another territorial division, and the penalty, &c. may be levied under such endorsement in such territorial division.

Proviso : When the issuing a Warrant would be ruinous to Defendant, or when there are no goods, Justice may

lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant or other person to the Common Gaol, or Lock-up House within the Territorial Division within which such Justice or Justices shall then be acting, there to be imprisoned with or without hard labor, for such time and in such manner as by law such Defendant might be so committed, in case such Warrant of Distress had issued and no goods or chattels had been found whereon to levy such penalty or sum and costs aforesaid.

commit him to Prison.

XIX. And be it enacted, That in all cases where a Justice of the Peace shall issue any such Warrant of Distress, it shall be lawful for him to suffer the Defendant to go at large, or verbally or by a written Warrant in that behalf, to order the Defendant to be kept and detained in safe custody, until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient security, by Recognizance or otherwise, to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same Territorial Division as may then be there: Provided always, that in all cases where a Defendant shall give security by Recognizance as aforesaid, and shall not afterwards appear at the time and place in the said Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the Territorial Division within which the offence shall be laid to have been committed, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Justice, after issuing Warrant, may suffer Defendant to go at large or order him into custody, until Return be made, unless he gives security by Recognizance, and if he fail to re-appear, Justice may transmit Recognizance to the Clerk of the Peace.

XX. And be it enacted, That if at the time and place appointed for the Return of any such Warrant of Distress, the Constable, who shall have had execution of the same, shall return (N 4,) that he could find no goods or chattels or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by, the levy of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned, to issue his Warrant of Commitment (N 5,) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress and the Return thereto, and requiring such Constable to convey such Defendant or other person to the Common Gaol or Lock-up House within the Territorial Division for which such Justice shall then be acting, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such Gaol or Lock-up House, and there to imprison him, or to imprison him and keep him to hard labor,

In default of sufficient distress, Justice may commit Defendant to Prison.

labor, in such manner and for such time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice shall think fit so to order (the amount thereof being ascertained and mentioned in such commitment), shall be sooner paid.

Imprisonment for a subsequent offence, to commence at expiration of that for previous offence.

XXI. And be it enacted, That where a Justice or Justices of the Peace shall, upon such information or complaint as aforesaid, adjudge the Defendant to be imprisoned, and such Defendant shall then be in prison undergoing imprisonment upon conviction for any other offence, the Warrant of Conviction for such subsequent offence shall, in every case, be forthwith delivered to the Gaoler or other Officer to whom the same shall be directed, and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby, that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If information be dismissed, costs may be recovered by distress upon Prosecutor.

XXII. And be it enacted, That when any information or complaint shall be dismissed with costs as aforesaid, the sum which shall be awarded for costs in the Order for Dismissal, may be levied by distress (Q 1,) on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, such Prosecutor or Complainant may be committed (Q 2,) to the Common Gaol or other Prison or Lock-up House in manner aforesaid, for any time not exceeding one calendar month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of such Prosecutor or Complainant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

After appeal against Conviction or Order decided in favor of Respondent, Justice may issue Warrant of Distress for execution of the same.

If costs of appeal be ordered to be paid.

If they be not paid within a

XXIII. And be it enacted, That after an appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favor of the Respondent, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace for the same Territorial Division, may issue such Warrant of Distress or Commitment as aforesaid for execution of the same, as if no such appeal had been brought, and if upon any such appeal the Court of General or Quarter Sessions shall order either party to pay costs, such Order shall direct such costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the party entitled to the same, and shall state within what time such costs shall be paid; and if the same shall not be paid within the time so limited, and the party ordered to pay the same shall

shall not be bound by any Recognizance conditioned to pay such costs, such Clerk of the Peace on application of the party entitled to such costs or of any person on his behalf, and on payment of a Fee of One Shilling, shall grant to the party so applying a Certificate (R) that such costs have not been paid, and upon production of such Certificate to any Justice or Justices of the Peace for the same Territorial Division, it shall be lawful for him or them to enforce the payment of such costs by Warrant of Distress (S 1,) in manner aforesaid, and in default of distress he or they may commit (S 2,) the party against whom such Warrant shall have issued, in manner hereinbefore mentioned, for any time not exceeding two calendar months, unless the amount of such costs and all costs and charges of the distress, and also the costs of the commitment and conveying of the said party to prison, if such Justice or Justices shall think fit so to order, (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

certain time
and be not se-
cured by
Recognizance.

XXIV. And be it enacted, That in all cases where a Warrant of Distress shall issue as aforesaid against any person, and such person shall pay or tender to the Constable having the execution of the same, the sum or sums in such Warrant mentioned, together with the amount of the expenses of such Distress up to the time of such payment or tender, such Constable shall cease to execute the same; and in all cases in which any person shall be imprisoned as aforesaid for non-payment of any penalty or other sum, he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such person if he be in his custody for no other matter.

On payment
of penalty,
&c. distress
not to be le-
vied, or the
party, if im-
prisoned for
non-payment,
shall be dis-
charged.

XXV. And be it enacted, That in all cases of Summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the attendance of any witnesses, and to do all other acts and matters which may be necessary, preliminary to the hearing, even in cases where by the Statute in that behalf such information and complaint must be heard and determined by two or more Justices, and after the case shall have been so heard and determined, one Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing, shall be the Justice or one of the Justices by whom the said case shall be heard and determined: Provided always, that in all cases where by Statute it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices,

In cases of
Summary pro-
ceedings, one
Justice may
issue Sum-
mons, War-
rant, &c. or
after Con-
viction or Order
may issue
Warrant of
Distress, &c.
tho' two be
required for
the hearing.

Proviso: the
two must join
in the deci-
sion, &c.

Justices, or that a Conviction or Order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

Recital.

13 & 14 V.
c. 54.

Appeals to lie
in cases under
By-laws of a
Municipality.

XXVI. And whereas doubts may exist whether under the provisions of the Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered fifty-four, and intituled, *An Act to extend the rights of Appeals in certain cases in Upper Canada*, Appeals will lie from conviction and decisions under By-laws of Municipal Councils; Be it therefore enacted, That in all cases of complaints against any person for committing any offence against any By-law of any Municipal Corporation in Upper Canada, all decisions, convictions and orders made by any Justice of the Peace, or by any person by law authorized to act in that capacity, shall be subject to an Appeal in the manner and subject to the provisions prescribed in the above recited Act.

Forms in
Schedule to
be valid in
Law.

XXVII. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be deemed good, valid and sufficient in law.

Any one Ins-
pector, &c. of
Police, sitting
at a Police
Court, empow-
ered to do
what is autho-
rized to be
done by two
or more Jus-
tices of the
Peace.

XXVIII. And be it enacted, That any one Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any City, Borough, Town, Territorial Division or Place, and sitting at a Police Court or other place appointed in that behalf, shall have full power to do, alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and that the several forms hereinafter mentioned may be varied so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other place of sitting of such Stipendiary Magistrate.

Inspector and
Superintend-
ent of Police,
&c. to have
power to pre-
serve order.

XXIX. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate as aforesaid, sitting as aforesaid at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Court during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in this Province, or by the Judges thereof respectively, during the sittings thereof.

And for en-
forcing exe-
cution of Pro-
cess.

XXX. And be it enacted, That the said Inspectors and Superintendents of Police, Police Magistrates or Stipendiary Magistrates, in all cases where any resistance shall be offered to the execution of any Summons, Warrant of Execution or other Process issued by them, shall be hereby empowered to enforce the due execution of the same by the means provided by the laws of Upper Canada for enforcing the execution of the Process of other Courts in like cases.

XXXI.

XXXI. And be it enacted, That from and after the day on which this Act shall commence and take effect, all other Acts or parts of Acts contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Inconsistent enactments repealed.

XXXII. And be it enacted, That the word "County" wherever it occurs in this Act, shall include any Union of Counties for judicial purposes, and the words "Territorial Division" shall include any Union of two or more territorial divisions.

Interpretation of words "County" and "Territorial Division."

XXXIII. And be it enacted, That this Act shall apply only to Upper Canada, except in so far as any provision thereof is expressly extended to Lower Canada, or to any act to be done there.

Act to apply only to Upper Canada.

XXXIV. And be it enacted, That whenever the word "Prison" occurs in this Act, it shall be held to mean any place where parties charged with offences against the law, are usually kept and detained in custody.

Meaning of word "Prison."

XXXV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of July one thousand eight hundred and fifty-three, and not before.

When this Act shall commence.

SCHEDULES.

(A)

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

Province of Canada,
(County or United Counties,
or as the case may be) of

To A. B. of

(laborer):

Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, City, Town, &c., as the case may be) of , for that you (here state shortly the matter of the information or complaint): These are therefore to command you in Her Majesty's name, to be and appear on at o'clock in the forenoon, at , before me or such Justices of the Peace for the said (County or United Counties, or as the case may be) as may then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under (my) Hand and Seal, this day of
in the year of our Lord , at , in the (County,
or as the case may be) aforesaid.

J. S. [L. s.]
(B)

(B)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of

To all or any of the Constables or other Peace Officers in the
 (County or United Counties, or as the case may be) of :

Whereas on _____ last past, information was laid (or
 complaint was made) before _____, (one) of Her Majesty's
 Justices of the Peace in and for the said (County or United
 Counties, or as the case may be) of _____, for that A. B. (&c.,
 as in the Summons): And whereas (I) the said Justice of the
 Peace then issued (my) Summons unto the said A. B. com-
 manding him in Her Majesty's name, to be and appear on
 _____, at _____ o'clock in the forenoon, at _____, before (me)
 or such Justices of the Peace as might then be there, to answer
 unto the said information (or complaint,) and to be further dealt
 with according to law; And whereas the said A. B. hath
 neglected to be and appear at the time and place so appointed
 in and by the said Summons, although it hath now been proved
 to me upon oath that the said Summons hath been duly served
 upon the said A. B.: These are therefore to command you, in
 Her Majesty's name, forthwith to apprehend the said A. B. and
 to bring him before (me) or some one or more of Her Majesty's
 Justices of the Peace in and for the said (County or United
 Counties, or as the case may be) to answer to the said information
 (or) complaint, and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of
 _____, in the year of our Lord _____ at _____, in the (County,
 or as the case may be) aforesaid.

J. S. [L. s.]

(C)

WARRANT IN THE FIRST INSTANCE.

Province of Canada, }
 (County or United Counties, }
 or as the case may be) of

To all or any of the Constables or other Peace Officers in the
 said (County or United Counties, or as the case may be) of :

Whereas information hath this day been laid before the un-
 dersigned, (one) of Her Majesty's Justices of the Peace in and
 for the said (County or United Counties, or as the case may be)
 of

of _____, for that A. B. (*here state shortly the matter of information*); and oath being now made before me substantiating the matter of such information: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) or some one or more of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be,*) to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(D)

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

Province of Canada, }
(*County or United Counties,*) }
or as the case may be) of _____ }

To all and any of the Constables or Peace Officers in the (*County or United Counties, or as the case may be*) of _____, and to the Keeper of the (*Common Gaol or Lock-up House*) at _____:

Whereas on _____ last past, information was laid (*or complaint made*) before _____, (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) of _____, for that (*&c., as in the Summons*); And whereas the hearing of the same is adjourned to the _____ day of _____ (*instant,*) at _____ o'clock in the (*fore*) noon, at _____, and it is necessary that the said A. B. should in the meantime be kept in safe custody: These are therefore to command you, or any one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said A. B. to the (*Common Gaol or Lock-up-House,*) at _____, and there deliver him into the custody of the Keeper thereof, together with this Precept: And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said (*Common Gaol or Lock-up House*) and there safely keep him until the _____ day of _____, (*instant*) when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said (*County or United Counties, as the case may be*) as may then be there, to answer further to the said information (*or complaint,*) and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(E)

(E)

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN
THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Province of Canada, }
(County or United Counties, }
or as the case may be) of }

Be it remembered, That on _____, A. B. of _____,
(laborer,) and L. M. of _____, (grocer,) and O. P. of _____,
(yeoman,) personally came and appeared before the undersigned,
(one) of Her Majesty's Justices of the Peace in and for the said
(County or United Counties, or as the case may be) of _____, and
severally acknowledged themselves to owe to our Sovereign
Lady the Queen the several sums following, that is to say: the
said A. B. the sum of _____ and the said L. M. and O. P.
the sum of _____, each, of good and lawful current money
of this Province, to be made and levied of their several goods
and chattels, lands and tenements respectively, to the use of our
said Lady the Queen, Her Heirs and Successors, if he the said
A. B. shall fail in the condition endorsed (or hereunder written.)

Taken and acknowledged the day and year first above
mentioned at _____ before me.

J. S. [L. s.]

The condition of the within (or the above) written Recogni-
zance is such that if the said A. B. shall personally appear on
the _____ day of _____, (instant,) at _____ o'clock in the
(forenoon), at _____, before me or such Justices of the
Peace for the said (County or United Counties, or as the case may
be) as may then be there, to answer further to the information
(or complaint) of C. D. exhibited against the said A. B. and to
be further dealt with according to law, then the said Recogni-
zance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE
DEFENDANT AND HIS SURETIES.

Take notice that you, A. B., are bound in the sum of _____
and you, L. M. and O. P., in the sum of _____, each, that
you, A. B., appear personally on _____ at _____ o'clock in
the (fore) noon at _____, before me or such Justices of the
Peace for the (County or United Counties, or as the case may be)
of _____ as shall then be there, to answer further to a certain
information (or complaint) of C. D. the further hearing of which
was adjourned to the said time and place, and unless you
appear accordingly, the Recognizance entered into by you,
A. B., and by L. M. and O. P. as your Sureties, will forthwith
be levied on you and them.

Dated this _____ day of _____, one thousand eight
hundred and _____.

J. S. [L. s.]
(F)

(F)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S. [L. s.]

(G 1.)

SUMMONS TO A WITNESS.

Province of Canada,
(County or United Counties, }
or as the case may be) of }

To E. F. of _____, in the said (County or United Counties,
or as the case may be) of _____ :

Whereas information was laid (or complaint was made) before _____ (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that (&c., as in the Summons,) and it hath been made to appear to me upon (oath) that you are likely to give material evidence on behalf of the (Prosecutor or Complainant, or Defendant) in this behalf; These are therefore to require you to be and appear on _____, at _____ o'clock in the (fore) noon, at _____ before me or such Justices of the Peace for the said (County or United Counties, or as the case may be) as may then be there, to testify what you shall know concerning the matter of the said information (or complaint).

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 2.)

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Province of Canada,
(County or United Counties, or }
as the case may be) of }

To all or any of the Constables and other Peace Officers in the said (County or United Counties, as the case may be) of _____ :

Whereas information was laid (or complaint was made) before _____ (one) of Her Majesty's Justices of the Peace, in and for the said (County or United Counties, or as the case may be) of _____ for that (&c., as in the Summons,) and it having
been

been made to appear to (me) upon oath, that E. F., of _____, in the said (County or United Counties, or as the case may be) (laborer) was likely to give material evidence on behalf of the (prosecutor,) (I) did duly issue (my) Summons to the said E. F., requiring him to be and appear on _____, at _____ o'clock in the (fore) noon of the same day, at _____, before me or such Justice or Justices of the Peace for the said (County or United Counties, or as the case may be) as might then be there, to testify what he should know concerning the said A. B., or the matter of the said information (or complaint): And whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse hath been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the _____ noon, at _____, before me or such Justice or Justices of the Peace for the said (County or United Counties, or as the case may be), as may then be there to testify what he shall know concerning the said information (or complaint.)

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(G 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Province of Canada, }
(County or United Counties, }
or as the case may be) of }

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) of _____ :

Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that (&c., as in the Summons), and it being made to appear before me upon oath that E. F., of _____ (laborer,) is likely to give material evidence on behalf of the (prosecutor) in this matter, and it is probable that the said E. F. will not attend to give evidence without being compelled so to do; These are therefore to command you to bring and have the said E. F. before me, on _____, at _____ o'clock in the (fore) noon, at _____, or before me or such other Justice or Justices of the Peace for the said (County or United Counties, or as the case may be) as may then be there, to testify

testify what he shall know concerning the matter of the said information (*or complaint.*)

Given under my Hand and Seal, this day of ,
in the year of our Lord, , at , in the (*County,*
or as the case may be) aforesaid.

J. S. [L. s.]

(G 4.)

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR
GIVE EVIDENCE.

Province of Canada, }
(*County or United Counties,* }
or as the case may be) of }

To all or any of the Constables, or other Peace Officers in the
said (*County or United Counties, or as the case may be*) of ,
and to the Keeper of the Common Gaol of the said (*County*
or United Counties, as the case may be) at :

Whereas information was laid (*or complaint was made*) before
(*me*) (*one*) of Her Majesty's Justices of the Peace
in and for the said (*County or United Counties, or as the case may*
be) of , for that (*&c., as in the Summons*), and one
E. F., now appearing before me such Justice as aforesaid, on
 , at , and being required by me to make
oath or affirmation as a witness in that behalf, hath now re-
fused so to do, (*or being now here duly sworn as a witness in*
the matter of the said information (or complaint) doth refuse
to answer a certain question concerning the premises which is
now here put to him, and more particularly the following
question (*here insert the exact words of the question*), without
offering any just excuse for such his refusal); These are there-
fore to command you, or any one of the said Constables or Peace
Officers to take the said E. F., and him safely to convey to the
Common Gaol at aforesaid, and there deliver
him to the said Keeper thereof, together with this Pre-
cept; and I do hereby command you the said Keeper of
the said Common Gaol to receive the said E. F. into your
custody in the said Common Gaol and there imprison him for
such his contempt for the space of days, unless he
shall in the meantime consent to be examined and to answer
concerning the premises, and for so doing this shall be your
sufficient Warrant.

Given under my Hand and Seal, this day of ,
in the year of our Lord, , at , in the (*County,*
or as the case may be) aforesaid.

J. S. [L. s.]
(H)

(H)

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) of , and to the Keeper of the (Common Gaol or Lock-up House) at :

Whereas complaint was made (or information was laid) before (one) of Her Majesty's Justices of the Peace in and for the (County or United Counties, or as the case may be) of , for that (&c., as in the Summons or Warrant); And whereas the said A. B. hath been apprehended under and by virtue of a Warrant, upon such information (or complaint) and is now brought before me as such Justice as aforesaid; These are therefore to command you, or any one of the said Constables, or Peace Officers, in Her Majesty's name forthwith to convey the said A. B. to the (Common Gaol or Lock-up House) at , and there to deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you the said Keeper to receive the said A. B. into your custody in the said (Common Gaol or Lock-up House), and there safely keep him until next, the day of (instant), when you are hereby commanded to convey and have him at , at o'clock in the noon of the same day, before me, or such Justice or Justices of the Peace of the said (County or United Counties, or as the case may be) as may then be there, to answer to the said information (or complaint,) and to be further dealt with according to law.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(I I.)

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of

Be it remembered, That on the day of , in the year of our Lord , at , in the said (County, or United Counties, or as the case may be), A. B. is convicted before the undersigned, (one) of Her Majesty's Justices of the Peace

Peace for the said (*County or United Counties, or as the case may be*) for that he the said A. B., (*&c., stating the offence, and the time and place when and where committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (*stating the penalty, and also the compensation, if any*) to be paid and applied according to law, and also to pay to the said C. D. the sum of _____, for his costs in this behalf; and if the said several sums be not paid forthwith on or before the _____ of _____ next,) * I order that the same be levied by 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 Gaol of the said (*County or United Counties, or as the case may be,*) at _____ in the said county of _____ (*there to be kept to hard labor*) for the space of _____, unless the said several sums and all costs and charges of the said distress (*and of the commitment and conveying of the said A. B. to the said Gaol*) shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the (*County or United Counties, or as the case may be*) aforesaid.

J. S. [L. s.]

* Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * say, "then inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. or his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c., (*as above, to the end*).

(I 2.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT,
IMPRISONMENT.

Province of Canada,
(*County or United Counties,*) }
or as the case may be) of

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said (*County or United Counties, or as the case may be*), A. B. is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said (*County or United Counties, or as the case may be*), for that he the said A. B. (*&c., stating the offence, and the time and place when and where it was committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty and the compensation, if any*), to be paid and applied according to law; and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if _____

if the said several sums be not paid forthwith (*or, on or before next,*) I adjudge the said A. B. to be imprisoned in the Common Gaol of the said (*County or United Counties, or as the case may be,*) at _____ in the said County of _____, (*and there to be kept at hard labor*) for the space of _____, unless the said sums and the costs and charges of conveying the said A. B. to the said Common Gaol, shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(I 3.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &c.

Province of Canada,
(*County or United Counties,* }
or as the case may be) of

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, in the said (*County or United counties, or as the case may be*) A. B. is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) for that he the said A. B. (*&c., stating the offence and the time and place when and where it was committed*); and I adjudge the said A. B. for his said offence to be imprisoned in the Common Gaol of the said (*County or United Counties, or as the case may be,*) at _____ in the County of _____ (*and there to be kept at hard labor*) for the space of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or on or before* _____ next, then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said Common Gaol, (*and there kept at hard labor*) for the space of _____, to commence at _____

* Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks **, say, "inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress)" I adjudge, &c.

at and from the term of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned at _____ in the (*County or United Counties, or as the case may be*) aforesaid.

J. S. [L. s.]

(K 1.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS,
AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Province of Canada, }
(*County or United Counties,* }
or as the case may be) of }

Be it remembered, That on _____ complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) of _____ for that (*stating the facts entitling the Complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (*or, the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day before me or such Justice or Justices of the Peace for this said (County or United Counties, or as the case may be) as should now be here, to answer the said complaint, and to be further dealt with according to law*); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the said sum of _____ forthwith, *or on or before* _____ next, (*or as the Statute may require*), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (*or on or before* _____ next) then * I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf * I adjudge the said A. B. _____ to

* Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c.

to be imprisoned in the Common Gaol of the said *County* or *United Counties*, or as the case may be) at _____ in the said *County* of _____, (and there kept to hard labor) for the space of _____ unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Common Gaol,) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord, _____ at _____ in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(K 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Province of Canada, }
 (County or United Counties, }
 or as the case may be) of }

Be it remembered, That on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that (&c. stating the facts entitling the Complainant to the order, with the time and place when and where they occurred), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, requiring him to be and appear here on this day before me or such Justices of the Peace for the said (County or United Counties, or as the case may be) as should now be here, to answer the said complaint, and be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of _____ forthwith, or on or before _____ next, (or as the Statute may require), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith, (or on or before _____ next), then I adjudge the said A. B. to be imprisoned in the Common Gaol of the said (County or United Counties or as the case may be) at _____ in the said County of _____ (there to be kept to hard labor) for the space of _____, unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said Common Gaol) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. s.]
 (K 3.)

(K 3.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF
IT IS PUNISHABLE WITH IMPRISONMENT.

Province of Canada,
(County or United Counties, }
or as the case may be,) of }

Be it remembered, That on complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be,) of , for that (stating the facts entitling the Complainant to the order, with the time and place where and when they occurred,) and now at this day, to wit, on at , the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me or such Justice or Justices of the Peace for the said (County or United Counties, or as the case may be,) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (here state the matter required to be done), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the (Common Gaol of the said (County or United Counties, or as the case may be,) at in the said County of (there to be kept at hard labor) for the space of (unless the said order be sooner obeyed, (if the Statute authorize this); and I do also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith, (or, on or before next,) I order the same to be levied by distress and sale of the goods and chattels of the said A. B. and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said Common Gaol, (there to be kept at hard labor) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at in the (County, or as the case may be) aforesaid.

J. S. [l. s.]

(L)

(L)

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Province of Canada,
 (County or United Counties,
 or as the case may be) of

Be it remembered, That on information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of , for that (&c., as in the Summons to the Defendant,) and now at this day, to wit, on , at , both the said parties appear before me in order that I should hear and determine the said information (or complaint,) (or the said A, B. appeareth before me, but the said C. D. although duly called doth not appear,) whereupon the matter of the said information (or complaint) being by me duly considered (it manifestly appears to me that the said information (or complaint) is not proved,* and) I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in his defence in this behalf: and if the said sum for costs be not paid forthwith, (or on or before) I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said (County or United Counties, or as the case may be,) at in the said County of (and there to be kept at hard labor) for the space of , unless the said sum for costs and all costs and charges of the said distress (and of the commitment of the said C. D. to the said Common Gaol,) shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

* If the Informant or Complainant do not appear, these words may be omitted.

(M)

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (or complaint) preferred by C. D. against A. B. for that (or as in the Summons,) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the (County or United Counties, or as the case may be) of , and was by me dismissed (with costs.)

Dated this day of , one thousand eight hundred and .

J. S. [L. s.]

(N 1.)

(N 1.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of }

To all or any of the Constables, or other Peace Officers in the
 said (County or United Counties, or as the case may be) of :

Whereas A. B., late of , (laborer,) was on this day (or
 on last past) duly convicted before , (one) of
 Her Majesty's Justices of the Peace, in and for the said (County
 or United Counties, or as the case may be) of , for
 that (stating the offence as in the conviction,) and it was thereby
 adjudged that the said A. B. should for such his offence forfeit
 and pay, (&c., as in the conviction,) and should also pay to the
 said C. D. the sum of for his costs in that behalf ;
 and it was thereby ordered that if the said several sums should
 not be paid (forthwith) the same should be levied by distress
 and sale of the goods and chattels of the said A. B. ; and it
 was thereby also adjudged that the said A. B., in default of
 sufficient distress, should be imprisoned in the Common Gaol of
 the said (County or United Counties, or as the case may be,)
 at in the said County of , (and there
 to be kept at hard labor) for the space of , unless
 the said several sums and all costs and charges of the said dis-
 tress, and of the commitment and conveying of the said A. B. to
 the said Common Gaol, should be sooner paid ; And whereas the
 said A. B. being so convicted as aforesaid and being (now)
 required to pay the said sums of and hath not
 paid the same or any part thereof, but therein hath made default ;
 These are therefore to command you, in Her Majesty's name,
 forthwith to make distress of the goods and chattels of the said A.
 B. ; and if within days next after the making of such
 distress, the said sums, together with the reasonable charges of
 taking and keeping the distress, shall not be paid, then you do
 sell the said goods and chattels so by you distrained, and do
 pay the money arising from such sale unto me (the convicting
 Justice or one of the convicting Justices) that I may pay
 and apply the same as by law is directed, and may render
 the overplus, if any, on demand, to the said A. B. ; and
 if no such distress can be found, then, that you certify the
 same unto me, to the end that such further proceedings may be
 had thereon as to law doth appertain.

Given under my Hand and Seal, this day of
 in the year of our Lord , at in the
 (County, or as the case may be) aforesaid.

J. S. [L. s.]

(N 2.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of }

To all or any of the Constables, or other Peace Officers, in the said (County or United Counties, or as the case may be) of :

Whereas on _____ last past, a complaint was made before (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be), for that (&c., as in the order,) and afterwards, to wit, on _____, at _____, the said parties appeared before (as in the order,) and thereupon having considered the matter of the said complaint, the said A. B. was adjudged (to pay to the said C. D. the sum of _____ on or before _____ then next,) and also to pay to the said C. D. the sum of _____ for his costs in that behalf; and it was ordered that if the said several sums should not be paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was adjudged that in default of sufficient distress in that behalf, the said A. B. should be imprisoned in the Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said County of _____ (and there kept at hard labor,) for the space of _____, unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) should be the sooner paid; And * whereas the time in and by the said order appointed for the payment of the said several sums of _____ and _____ hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of _____ days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto (me, or some other of the convicting Justices, as the case may be,) that I (or he) may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____ in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(N 3.)

(N 3.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Province of Canada,
 (County or United Counties, }
 or as the case may be,) of }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be,) that the name of J. S. to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this Warrant, and all other persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said (County or United Counties, or as the case may be,) of to execute the same within the said (County or United Counties, or as the case may be) and of

Given under my Hand, this day of , one thousand eight hundred and

O. K.

(N 4.)

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of , in the (County or United Counties, or as the case may be) of , hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the (County or United Counties, or as the case may be) that by virtue of this Warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my Hand, this day of one thousand eight hundred and

W. T.

(N 5.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Constables and other Peace Officers, in the (County or United Counties, or as the case may be,) of , and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be,) of at , in the said County of :

Whereas (&c., as in either of the foregoing Distress Warrants N 1, 2, to the asterisk *, and then thus): And whereas afterwards, on the day of , in the year aforesaid, I, the said Justice issued a Warrant to all or any of the

the Constables or other Peace Officers of the (*County or United Counties, or as the case may be*) of _____ commanding them, or any of them, to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said A. B. ; And whereas it appears to me, as well by the return to the said Warrant of Distress, by the Constable who had the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found ; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the common Gaol at _____ aforesaid, and there deliver him to the said Keeper, together with this Precept ; and I do hereby Command you, the said Keeper of the said Common Gaol to receive the said A. B. into your custody, in the said Common Gaol, there to imprison him (*and keep him at hard labor*) for the space of _____, unless the said several sums, and all the costs and charges of the said distress, (*and of the commitment and conveying of the said A. B to the said Common Gaol*) amounting to the further sum of _____, shall be sooner paid unto you the said Keeper ; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(O 1.)

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY
IN THE FIRST INSTANCE.

Province of Canada, }
(*County or United Counties,* }
or as the case may be,) of }

To all or any of the Constables and other Peace Officers in the said (*County or United Counties, or as the case may be,*) of _____, and to the Keeper of the Common Gaol of the said (*County or United Counties, or as the case may be*) of _____ at _____, in the said county of _____ :

Whereas A. B., late of _____ (*laborer,*) was on this day convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said (*County or United Counties, or as the case may be*) for that (*stating the offence as in the conviction,*) and it was thereby adjudged that the said A. B., for his offence should forfeit and pay the sum of _____ (*&c., as in the conviction,*) and should pay to the said C. D. the sum of _____ for his costs in that behalf ; and it was thereby further adjudged that if the said several sums should not be paid (*forthwith*) the said A. B. should be imprisoned in the Common Gaol of the said (*County or United Counties, or as the case*)

case may be) at _____ in the said County of _____
 (and there kept at hard labor) for the space of _____,
 unless the said several sums (and the costs and charges of convey-
 ing the said A. B. to the said Common Gaol) should be sooner
 paid; And whereas the time in and by the said conviction ap-
 pointed for the payment of the said several sums hath elapsed,
 but the said A. B. hath not paid the same or any part thereof,
 but therein hath made default; These are therefore to command
 you, the said Constables or Peace Officers, or any one of you, to
 take the said A. B., and him safely to convey to the Common
 Gaol at _____ aforesaid, and there to deliver him
 to the Keeper thereof, together with this Precept; and I do
 hereby command you the said Keeper of the said Common Gaol
 to receive the said A. B. into your custody in the said Common
 Gaol, there to imprison him (and keep him at hard labor) for the
 space of _____, unless the said several sums (and costs
 and charges of carrying him to the said Common Gaol, amount-
 ing to the further sum of _____), shall be sooner
 paid; and for your so doing this shall be your sufficient War-
 rant.

Given under my Hand and Seal, this _____ day of _____
 _____, in the year of our Lord _____, at _____, in
 the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(O 2.)

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Province of Canada,
 (County or United Counties, }
 or as the case may be) of }

To all or any of the Constables and other Peace Officers in the
 said (County or United Counties, or as the case may be) of _____,
 and to the Keeper of the Common Gaol of the (County
 or United Counties, or as the case may be) of _____ at
 _____ in the said County of _____ :

Whereas on _____ last past, complaint was made before
 the undersigned, (one) of Her Majesty's Justices of the Peace in
 and for the said (County or United Counties, as the case may be)
 of _____ for that (&c., as in the order) and afterwards, to wit,
 on the _____ day of _____, at _____, the parties
 appeared before me the said Justice (or as it may be in the
 order) and thereupon having considered the matter of the said
 complaint, I adjudged the said A. B. to pay to the said C. D.
 the sum of _____, on or before the _____ day of _____

then next, and also to pay to the said C. D. the sum of _____
 for his costs in that behalf; and I also thereby
 adjudged that if the said several sums should not be paid on or
 before the _____ day of _____ then next, the said A. B.
 should be imprisoned in the Common Gaol of the (County or
 United Counties, or as the case may be) of _____ at _____
 in

in the said County of _____ (*and there be kept at hard labor*)
 for the space of _____, unless the said several sums (*and
 the costs and charges of conveying the said A. B. to the said
 Common Gaol, as the case may be*) should be sooner paid; And
 whereas the time in and by the said order appointed for the pay-
 ment of the said several sums of money hath elapsed, but the
 said A. B. hath not paid the same or any part thereof, but
 therein hath made default; These are therefore to command
 you the said Constables and Peace Officers, or any of you, to
 take the said A. B. and him safely to convey to the said Com-
 mon Gaol, at _____ aforesaid, and there to deliver him to
 the Keeper thereof, together with this Precept; and I do hereby
 command you the said Keeper of the said Common Gaol, to re-
 ceive the said A. B. into your custody in the said Common Gaol,
 there to imprison him (*and keep him at hard labor*) for the
 space of _____, unless the said several sums (*and the costs
 and charges of conveying him to the said Common Gaol,
 amounting to the further sum of _____*), shall be sooner
 paid unto you the said Keeper; and for your so doing, this shall
 be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of
 _____, in the year of our Lord _____ at _____,
 in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(Q 1.)

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL
 OF AN INFORMATION OR COMPLAINT.

Province of Canada, }
 (*County or United Counties,*) }
 or as the case may be) of

To all or any of the Constables, or other Peace Officers in the
 said (*County or United Counties, or as the case may be*)
 of _____:

Whereas on _____ last past, information was laid (or
 complaint was made) before _____ (*one*) of Her Majesty's
 Justices of the Peace in and for the said (*County or United Coun-
 ties, or as the case may be*) of _____ for that (&c., *as in the
 order of dismissal,*) and afterwards, to wit, on _____ at
 _____, both parties appearing before _____ in order that (*I*)
 should hear and determine the same, and the several proofs
 adduced to (*me*) in that behalf being by (*me*) duly heard and
 considered, and it manifestly appearing to (*me*) that the said
 information (*or complaint*) was not proved, (*I*) therefore dismissed
 the same, and adjudged that the said C. D. should pay to the
 said A. B. the sum of _____ for his costs incurred by him in
 his defence in that behalf; and (*I*) ordered that if the said sum
 for costs should not be paid (*forthwith*) the same should be
 levied

levied on the goods and chattels of the said C. D., and (I) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the Common Gaol of the said (County or United Counties, or as the case may be) of at in the said County of (and there kept at hard labor) for the space of , unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol should be sooner paid ; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, hath not paid the same, or any part thereof, but therein hath made default ; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the space of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to me (the Justice who made such order or dismissal, as the case may be) that (I) may pay and apply the same as by law directed, and may render the overplus (if any,) on demand to the said C. D., and if no such distress can be found, then that you certify the same unto me, (or to any other Justice of the Peace for the same (County or United Counties, or as the case may be) to the end that such proceedings may be had therein as to law doth appertain.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the (County, or as the case may be) aforesaid.

J. S. [L. s.]

(Q 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Province of Canada, }
(County or United Counties, }
or as the case may be) of }

To all or any of the Constables, or Peace Officers, in the said (County or United Counties, or as the case may be) of , and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be) of at in the said County of :

Whereas (&c., as in the last form, to the asterisk, * and then thus : And whereas afterwards, on the day of , in the year aforesaid, I, the said Justice, issued a Warrant to all or any of the Constables or other Peace Officers of the said (County or United Counties, or as the case may be) commanding them, or any one of them to levy

levy the said sum of _____ for costs, by distress and sale of the goods and chattels of the said C. D.; And whereas it appears to me, as well by the return to the said Warrant of Distress of the Constable (*or Peace Officer*) charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found; These are therefore to command you, the said Constables and Peace Officers, or any one of you, to take the said C. D. and him safely convey to the Common Gaol of the said (*County or United Counties, as the case may be,*) at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I hereby command you, the said Keeper of the said Common Gaol to receive the said C. D. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labor*) for the space of _____ unless the said sum, and all the costs and charges of the said distress (*and of the commitment and conveying of the said C. D. to the said Common Gaol amounting to the further sum of _____,*) shall be sooner paid up unto you the said Keeper; and for your so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____, in the (*County, or as the case may be*) aforesaid.

J. S. [L. s.]

(R)

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL ARE NOT PAID.

Office of the Clerk of the Peace for the (*County or United Counties, or as the case may be*) of _____

TITLE OF THE APPEAL.

I hereby certify, that at a Court of General Quarter Sessions of the Peace, holden at _____, in and for the said (*County or United Counties, or as the case may be*) on _____ last past, an appeal by A. B. against a conviction (*or order*) of J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) came on to be tried, and was there heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said conviction (*or order*) should be confirmed (*or quashed,*) and that the said (*Appellant*) should pay to the said (*Respondent*) the sum of _____ for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace of the said (*County or United Counties, or as the case may be*) on or before the day of _____ instant, to be by him handed over to the said (*Respondent,*) and I further certify that the said sum for costs has _____

has not, nor has any part thereof, been paid in obedience to the said order.

Dated the _____ day of _____, one thousand eight hundred and _____

G. H.
Clerk of the Peace.

(S 1.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A
CONVICTION OR ORDER.

Province of Canada, }
(County or United Counties, }
or as the case may be) of }

To all or any of the Constables, or other Peace Officers, in the said (County or United Counties, or as the case may be) of _____ :

Whereas (&c., as in the Warrants of Distress, N 1, 2, ante, and to the end of the Statement of the Conviction or Order, and then thus): And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace for the said (County or United Counties, or as the case may be) against the said Conviction or Order, in which appeal the said A. B. was the Appellant, and the said C. D. (or J. S., Esquire, the Justice of the Peace who made the said Conviction or Order) was the Respondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions of the Peace for the said (County or United Counties, or as the case may be) holden at _____, on _____, and the said Court of General Quarter Sessions thereupon ordered that the said Conviction (or Order) should be confirmed (or quashed,) and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, which said sum was to be paid to the Clerk of the Peace of the said (County or United Counties, or as the case may be) on or before the _____ day of _____ one thousand eight hundred _____, to be by him handed over to the said C. D. ; And whereas the Clerk of the Peace of the said (County or United Counties, or as the case may be) hath on the _____ day of _____ instant, duly certified that the said sum for costs had not been paid ; * These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B. and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said (County or
United

United Counties, or as the case may be) of _____, that he may pay and apply the same as by law directed; and if no such distress can be found, then that you certify the same unto me or any other Justice of the Peace for the same (*County or United Counties, or as the case may be*) to the end that such proceedings may be had therein as to law doth appertain.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, or as the case may be*) aforesaid.

O. K. [L. s.]

(S 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Province of Canada,
(*County or United Counties,* }
or as the case may be) of _____

To all or any of the Constables, or other Peace Officers, in the said (*County or United Counties, or as the case may be*) of _____ and to the Keeper of the Common Gaol of the said (*County or United Counties, or as the case may be*) of _____ at _____ in the said county of _____ :

Whereas (&c., *as in the last form, to the asterisk **, and then thus): And whereas, afterwards, on the _____ day of _____, in the year aforesaid, I, the undersigned, issued a Warrant to all or any of the Constables and other Peace Officers in the said (*County or United Counties, or as the case may be*) of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said Warrant of Distress of the Constable (*or Peace Officer*), who was charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol of the said (*County or United Counties of _____ as the case may be,*) at _____ aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you, the said Keeper of the said Common Gaol to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labor*) for the space of _____ unless the said sum and all costs and charges of the said Distress (*and of the commitment and conveying of the said A. B. to the said Common Gaol, amounting to the further*

United Counties, or as the case may be) of _____, for that
 (&c., *as in the Summons to the Defendant*),
 and now at this day, to wit, on _____, at _____, * both the
 said parties appear before me in order that I should hear and
 determine the said information (*or complaint*), (*or the said*
A. B. appeareth before me, but the said *C. D.*, although duly
 called, doth not appear); whereupon the matter of the said
 information (*or complaint*) being by me duly considered,
 (it manifestly appears to me that the said information (*or com-*
plaint) is not proved, and (†) I do therefore dismiss the same,
 (and do adjudge that the said *C. D.* do pay to the said *A. B.* the
 sum of _____ for his costs incurred by him in his defence in
 this behalf; and if the said sum for costs be not paid forthwith,
 (*or on or before* _____), I order that the same be levied by
 distress and sale of the goods and chattels of the said *C. D.*
 and in default of sufficient distress in that behalf, I adjudge
 the said *C. D.* to be imprisoned in the Common Gaol of the said
 (*County or United Counties, or as the case may be*) of _____
 at _____ in the said County of _____
 (*and there kept at hard labor*) for the space of _____
 _____, unless the said sum for costs, and all costs
 and charges of the said distress (*and of the commitment and*
conveying of the said C. D. to the said Common Gaol) shall be
 sooner paid.

Given under my Hand and Seal, this _____ day of _____,
 in the year of our Lord _____, at _____ in the _____ (*County, or*
as the case may be) aforesaid.

J. S. [L. s.]

* *If at an adjournment, insert here: "To which day the hearing of this case hath been duly adjourned, of which the said C. D. had due notice."*

† *If the Informant or Complainant do not appear, these words may be omitted.*

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify, that an information (*or complaint*) preferred by *C. D.* against *A. B.* for that (&c., *as in the Summons*) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the (*County or United Counties, or as the case may be*) of _____, and was by me dismissed (with costs).

Dated this _____ day of _____, one thousand eight hundred and _____.

J. S.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION.

To *C. D.* of &c., and _____ (*the names and additions of the parties to whom the notice of appeal is required to be given.*)

Take notice, that I, the undersigned *A. B.*, of &c., do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace, to be holden at _____, in and for _____

for the (*County or United Counties, or as the case may be,*) of _____, against a certain conviction (*or order*) bearing date on or about the _____ day of _____ instant, and made by (*you*) C. D., Esquire, (*one*) of Her Majesty's Justices of the Peace for the said (*County or United Counties, or as the case may be,*) of _____, whereby I, the said A. B., was convicted of having or was ordered to pay _____, (*here state the offence as in the conviction, information or Summons, or the amount adjudged to be paid, as in the order, as correctly as possible*): And further, take notice that the grounds of my appeal are, first, that I am not guilty of the said offence; secondly, that the formal conviction drawn up and returned to the Sessions is not in law sufficient to support the said conviction of me the said A. B., (*together with any other grounds, care being taken that all are stated, as the Appellant will be precluded from going into any other than those stated.*)

Dated this _____ day of _____ one thousand eight hundred and _____

A. B.

MEM.—*If this notice be given by several Defendants, or by an Attorney, it can easily be adapted.*

FORM OF RECOGNIZANCE TO TRY THE APPEAL, &C.

Be it remembered, that on _____, A. B., of (*laborer,*) and L. M. of _____ (*grocer,*) and N. O. of _____ (*yeoman,*) personally came before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be,*) of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____, before me.

J. S.

The condition of the within written Recognizance is such, that if the said A. B. shall, at the (*next*) General Quarter Sessions of the Peace, to be holden at _____, on the _____ day of _____ next, in and for the said (*County or United Counties, or as the case may be,*) of _____, enter and prosecute an appeal against a certain conviction bearing date the _____ day of _____ instant, and made by me the said Justice, whereby he the said A. B. was convicted, for that he the said A. B. did on the _____ day of _____, at the township of _____, in the said *County or United Counties, or as the case may*

may be,) of _____, (here set out the offence as stated in the conviction,) And further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then the said Recognizance to be void, or else to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT (APPELLANT) AND HIS SURETY.

Take notice, that you, A. B., are bound in the sum of _____ pounds, and you, L. M. and N. O. in the sum of _____ each, that you the said A. B. at the next General or Quarter Sessions of the Peace to be holden at _____, in and for the said (County or United Counties, or as the case may be) of _____, enter and prosecute an Appeal against a conviction dated the _____ day of _____ (instant,) whereby you, A. B. were convicted of (stating offence shortly), and abide by and perform the Order of the Court to be made upon the trial of such Appeal; and unless you prosecute such Appeal accordingly, the Recognizance entered into by you will forthwith be levied on you.

Dated this _____ day of _____ one thousand eight hundred and _____

SURETIES.

COMPLAINT BY THE PARTY THREATENED FOR SURETIES FOR THE PEACE.

Proceed as in the Form (T.) to the asterisk *, then :
 did, on the _____ day of _____ (instant or last past, as the case may be), threaten the said C. D. in the words or to the effect following, that is to say, (set them out, with the circumstances under which they were used) : and that from the above and other threats used by the said A. B. towards the said C. D., he the said C. D. is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient Sureties to keep the peace and be of good behaviour towards him the said C. D. ; and the said C. D. also saith that he doth not make this complaint against nor require such Sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Be it remembered, that on the _____ day of _____, in the year of our Lord _____, A. B. of _____ (laborer), L. M. of _____ (grocer, and N. O. of _____ (butcher), personally came before (us) the undersigned, (two) of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be), of _____ and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say : the said A. B.

B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____, before us.

J. S.
J. T.

The condition of the within written Recognizance is such, that if the within bounden A. B. (of, &c.) shall appear at the next Court of General or Quarter Sessions of the Peace to be holden in and for the said (*County or United Counties, or as the case may be*) of _____, to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards C. D. (of, &c.) for the term of _____ now next ensuing, then the said Recognizance to be void, or else to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Province of Canada,
(*County or United Counties,* }
or as the case may be) of _____

To the Constable of the _____ in the County of _____ (*one of the United Counties of _____, or as the case may be*) and to the Keeper of the Common Gaol of the said County (*or United Counties, as the case may be*) at _____, in the said County (*or in the County of _____*) :

Whereas on the _____ day of _____ instant, complaint on oath was made before the undersigned (*or J. L. Esquire,*) (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) of _____, by C. D. of the township of _____ in the said (*County, or as the case may be*) (laborer,) that A. B. of, &c., on the day of _____, at the township of _____ aforesaid, did threaten (*&c., follow to end of complaint, as in form above, in the past tense, then*) : And whereas the said A. B. was this day brought and appeared before the said Justice (*or J. S. Esquire,* one of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) of _____, to answer unto the said complaint : And * having been required by me to enter into his own Recognizance in the sum of _____ with two sufficient Sureties in the sum of _____ each, as well for his appearance at the next General Quarter Sessions of the Peace, to be held in and for the said (*County or United Counties, or as the case may be*) of _____, to do what shall

shall be then and there enjoined him by the Court, as also in the meantime to keep the Peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards the said C. D. hath refused and neglected, and still refuses and neglects to find such Sureties); These are therefore to command you the said Constable of the township of to take the said A. B., and him safely to convey to the (*Common Gaol*) at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said (*Common Gaol*) to receive the said A. B. into your custody, in the said (*Common Gaol*), there to imprison him* until the said next General Quarter Sessions of the Peace, unless he in the meantime find sufficient Sureties as well for his appearance at the said Sessions, as in the meantime to keep the peace as aforesaid.

Given under my Hand and Seal, this day of ,
in the year of our Lord , at , in the (*County*,
or as the case may be) aforesaid.

J. S. [L. s.]

CAP. CLXXIX.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to persons charged with Indictable Offences.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it would conduce much to the improvement of the administration of Criminal Justice in Upper Canada, if the several Statutes and parts of Statutes relating to the duties of Her Majesty's Justices of the Peace therein, with respect to persons charged with indictable offences, were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any Territorial Division in Upper Canada, that any person has committed, or is suspected to have committed, any treason, felony or other indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any

For what offences a Justice of the Peace may grant a Warrant to cause the party charged therewith to be brought before him.

any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against shall not then be in custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same Territorial Division, to answer such charge or complaint and to be further dealt with according to law; Provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge or complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the person so charged or complained against, to issue his or their Summons (C) directed to such person, requiring him to appear before the said Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same Territorial Division as may then be there, and if, after being served with such Summons in manner hereinafter mentioned, he shall fail to appear at such time and place, in obedience to such Summons, then, and in every such case, the said Justice or Justices, or any other Justice or Justices of the Peace for the same Territorial Division, may issue his or their Warrant (D) to apprehend such person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the said charge or complaint, and to be further dealt with according to law: Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in such Summons for the appearance of the said accused party.

In what cases the party charged may be summoned, instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, a Warrant may then be issued.

Proviso: as to time when such Warrant may be issued.

II. And be it enacted, That when any indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any person who shall then be at large, and whether such person shall be bound by any Recognizance to appear to answer to any such charge or not, the person who shall act as Marshal at such Court of Oyer and Terminer or Goal Delivery, or as Clerk of the Peace at such Sessions at which the said indictment shall be found, shall, at any time afterwards after the end of the Sessions of Oyer and Terminer or Goal Delivery, or Sessions of the Peace, at which such indictment shall have been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of One Shilling, if such person shall not have already appeared and pleaded to such indictment, grant unto such Prosecutor or person a Certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices

Warrants to apprehend parties against whom indictments may be found, to be granted upon certificate of the Marshal, &c. of the Court in which such indictment is found.

If the party indicted be already in Gaol for some other offence, the Justice may order him to be detained until removed by Writ of *Habeas Corpus*, or otherwise discharged.

Proviso.

Search Warrants and others may be issued on Sunday.

Information on oath required when a Warrant issues in the first instance.

What information required in cases where a Summons only issues,

of the Peace for the County or United Counties in which the offence shall in such indictment be alleged to have been committed, or in which the person indicted in and by such indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he or they are hereby required to issue his or their Warrant (G) to apprehend such person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same District, to be dealt with according to law : and afterwards if such person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them, that the person so apprehended is the same person who is charged and named in such indictment, shall, without further inquiry or examination, commit (H) him for trial or admit him to bail in manner hereinafter mentioned ; or if such person so indicted shall be confined in any gaol or prison for any other offence than that charged in the said indictment at the time of such application and production of such Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices, and he or they are hereby required, upon its being proved before him or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, to issue his or their Warrant (I), directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted shall then be confined as aforesaid, commanding him to detain such person in his custody, until, by Her Majesty's Writ of *Habeas Corpus*, he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall be otherwise removed or discharged out of his custody by due course of law : Provided always, that nothing herein contained shall prevent or be construed to prevent the issuing or execution of Bench Warrants, whenever any Court of competent jurisdiction may think proper to order the issuing of any such Warrant.

III. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day.

IV. And be it enacted, That in all cases when a charge or complaint for any indictable offence shall be made before such Justice or Justices aforesaid, if it be intended to issue a Warrant in the first instance against such party or parties so charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice or Justices : Provided always, that in those cases only when it is intended to issue a Summons instead of a Warrant in the first instance, and where it is so specially provided in some Act of Parliament, it shall not be necessary that such information and complaint

complaint shall be in writing, or be sworn to or affirmed in manner aforesaid; but in every such case so provided for in some Act of Parliament as aforesaid, such information and complaint may be by parol merely, and without any oath or affirmation whatsoever to support or substantiate the same: Provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the witnesses on that behalf as hereinafter mentioned; and if any credible Witness shall prove upon oath (E 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony shall have been committed, is in any dwelling house, out-house, garden, yard, croft or other place or places, the Justice may grant a Warrant (E 2) to search such dwelling house, garden, yard, croft or other place or places, for such property.

and certain others.

Proviso: No objection allowed for defect of form or substance in Information.

Search Warrant may be granted in certain cases.

V. And be it enacted, That upon such Information and complaint being so laid as aforesaid, the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as hereinbefore directed, to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same Territorial Division, to be dealt with according to law: and every Summons (C) shall be directed to the party so charged in and by such information, and shall state shortly the matter of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to answer to the said charge, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer upon the person to whom it is so directed, by delivering the same to the party personally, or, if he cannot conveniently be met with, then by leaving the same for him with some person at his last or most usual place of abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid, shall attend at the time and place, and before the Justice or Justices in the said Summons mentioned, to depose, if necessary, to the service of such Summons; and if the person so served shall not be and appear before such Justice or Justices, at the time and place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices, to issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before such Justice or Justices, or before some other Justice or Justices for the same Territorial Division, to answer the charge in the said information and complaint mentioned, and to be further

Upon receiving the Information the Justice may issue a Summons or Warrant, as the case may require;

To whom directed, and contents.

How any such Summons shall be served.

If the party summoned do not attend, a Warrant may issue against him.

Proviso: No objection to be allowed for alleged defect in form or substance of Warrant or Summons:

What may be done in case of variance, &c.

further dealt with according to law: Provided always, that no objection shall be taken or allowed to any such Summons or Warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Prosecutor before the Justice or Justices who shall take the examination of the Witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and, in the meantime, to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

Warrant to apprehend any party to be under hand and seal of the Justice.

To whom the Warrant shall be directed, and what particulars it must contain, &c.

How and where the Warrant may be executed.

VI. And be it enacted, That every Warrant (B) hereafter to be issued by any Justice or Justices of the Peace to apprehend any person charged with any indictable offence, shall be under the Hand and Seal, or Hands and Seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the District within which the same is to be executed, or to such Constable and all other Constables or Peace Officers in the Territorial Division within which the Justice or Justices issuing the same has or have jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned Territorial Division; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender; and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing such Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the offender at any place within the Territorial Division within which the Justice or Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining Territorial Division, and within seven miles of the border of such first mentioned Territorial Division, without having such Warrant backed, as hereinafter mentioned; and in all cases where such Warrant shall be directed to all Constables or other Peace Officers within the Territorial Division within which such Justice or Justices shall have jurisdiction, it shall be lawful for any Constable or other Peace Officer for any place within such Territorial Division to execute the said Warrant at any place within the jurisdiction for which the said Justice or Justices shall have acted when he or they granted such Warrant, in like manner as if such Warrant were directed specially to such Constable by name, and notwithstanding the place within which such Warrant shall be executed shall not be within the place for which

he shall be Constable or Peace Officer; Provided always, that no objection shall be taken or allowed to any such Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to any such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged, or to admit him to bail in manner hereinafter mentioned.

Proviso: No objection to be allowed for alleged defect in form or substance;

What may be done in case of variance, &c.

VII. And be it enacted, That if the person against whom any such Warrant shall be issued, as aforesaid, shall not be found within the jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or in Lower Canada out of the jurisdiction of the Justice or Justices issuing such Warrant, it shall and may be lawful for any Justice of the Peace within the jurisdiction of whom such person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon proof alone being made on oath of the hand-writing of the Justice issuing the same, and without any security being given, to make an endorsement (K) on such Warrant, signed with his name, authorizing the execution of such Warrant within the jurisdiction of the Justice making such endorsement, and which endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the Territorial Division where such Warrant shall be so endorsed, to execute the same in such other Territorial Division, and to carry the person against whom such Warrant shall have issued, when apprehended, before the Justice or Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, or before some Justice or Justices of the Territorial Division where the offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor or any of the Witnesses upon the part of the prosecution shall then be in the Territorial Division where such person shall have been so apprehended, the Constable, or other person or persons who shall have so apprehended such person, may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices for the same Territorial Division; and the said Justice or Justices may thereupon take the examination of such Prosecutor or Witnesses, and proceed in every respect in manner hereinafter directed with respect to persons

Provisions relative to the backing or endorsement of Warrants, in other territorial divisions than that in which they were respectively issued, and effect of such endorsement.

Proviso: Proceedings when the party is apprehended in such other territorial division.

persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another Territorial Division than that in which such persons have been apprehended.

Justices may summon witnesses to attend and give evidence.

If such Summons be not obeyed a Warrant may be issued to compel attendance.

In certain cases and upon proper evidence on oath, the Warrant may issue in the first instance.

Persons appearing and refusing to be examined may be committed.

VIII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice may and is hereby required to issue his Summons (L 1) to such person under his Hand and Seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same Territorial Division as shall then be there, to testify what he shall know concerning the charge made against such accused party; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or with some person for him at his last or most usual place of abode,) it shall be lawful for such Justice or Justices before whom such person should have appeared, to issue a Warrant (L 2) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L 3) in the first instance, and which, if necessary, may be backed as aforesaid, and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without giving any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction, may, by Warrant (L 4) under his Hand and Seal, commit the person so refusing to the Common Gaol of the County where such person so refusing shall

shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall in the meantime consent to be examined and to answer concerning the premises.

IX. And be it enacted, That in all cases where any person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in this Province or upon the high seas, or on land beyond the sea, or whether such person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement (M) on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid, shall, before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid, it shall be proved upon the oath or affirmation of any credible witness, that any person whose deposition shall have been taken as aforesaid is dead, or is so ill as not to be able to travel, and if also it be proved that such deposition was taken in presence of the person so accused, and that he or his Counsel or Attorney, had a full opportunity of cross-examining the witness, then if such deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

Examination and deposition of witnesses in presence of the party accused.

Justice to administer the usual oath or affirmation.

Deposition of persons who may have died or who shall be unable to attend may in certain cases be read at the trial.

X. And be it enacted, That after the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the Justice of the Peace, or one of the Justices by or before whom such examination shall have been so completed as aforesaid, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence, do you wish to say any thing in answer to the charge? You are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." And whatever the prisoner shall then say in answer thereto shall

When the examination of the witnesses is completed, their depositions to be read to the party accused, and any statement he may then wish to make to be taken down, he being first cautioned, &c.

Legal effect of his answers.

Proviso: he is to be cautioned on certain points.

Proviso: certain statements made by the accused may be used against him.

Place where the examination is taken not to be deemed an open Court.

Justices may bind over the prosecutor and witnesses to prosecute and give evidence.

shall be taken down in writing (N) and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned; and afterwards, upon the trial of the said accused person, the same may, if necessary, be given in evidence against him without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat: Provided nevertheless, that nothing herein contained or enacted shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged, made at any time which by law would be admissible as evidence against such person.

XI. And be it declared and enacted, That the room or building in which such Justice or Justices shall take such examination and statement as aforesaid, shall not be deemed an open Court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of Justice will be best answered by so doing.

XII. And be it enacted, That it shall be lawful for any such Justice or Justices before whom any such witness shall be examined as aforesaid, to bind by Recognizance (O 1) the Prosecutor, and every such witness, to appear at the next Court of competent Criminal Jurisdiction at which the accused is to be tried, then and there to prosecute or prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which said Recognizance shall particularly specify the profession, art, mystery or trade of every such person entering into or acknowledging the same, together with his Christian and surname, and the Township or place of his residence, or if his residence be in a City, Town or Borough, the Recognizance shall also particularly specify the name of the said City, Town or Borough, and when convenient so to do, of the street and the number (if any) of the house in which he resides, and whether he is owner or tenant thereof, or lodger therein; and the said Recognizance, being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a notice (O 2) thereof, signed by the

the said Justice or Justices, shall at the same time be given to the person bound thereby; and the several Recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the Recognizance of Bail (if any) in every such case shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the said Court on the first day of the sitting thereof, or at such other time as the Judge, Justice or person who is to preside at such Court at the said trial shall order and appoint; Provided always, that if any such witness shall refuse to enter into or acknowledge such Recognizance as aforesaid, it shall be lawful for the Justice or Justices of the Peace by his or their Warrant (P 1) to commit him to the Common Gaol for the County in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the meantime such witness shall duly enter into such Recognizance as aforesaid before some one Justice of the Peace for the Territorial Division in which such Gaol shall be situate: Provided nevertheless, that if afterwards, for want of sufficient evidence in that behalf, or other cause, the Justice or Justices before whom such accused party shall have been brought shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or Justices, or for any other Justice or Justices for the same Territorial Division, by his or their Order (P 2) in that behalf, to order and direct the Keeper of such Common Gaol where such witness shall be so in custody, to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Recognizance, depositions, &c., to be transmitted to the proper officer of the Court in which the trial is to be had.

Witnesses refusing to enter into recognizances may be committed.

Proviso: witnesses committed may be discharged if prisoner be not committed or held to bail.

XIII. And be it enacted, That if from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought, by his or their Warrant (Q 1) from time to time to remand the party accused for such time as by such Justice or Justices in their discretion shall be deemed reasonable, not exceeding eight clear days at any one time, to the Common Gaol or House of Correction or other Prison, Lock-up House, or place of security in the Territorial Division for which such Justice or Justices shall then be acting; or if the remand be for a time not exceeding three clear days, it shall be lawful for such Justice or Justices verbally to order the Constable, or other person in whose custody such party accused may then be, or any other Constable or person to be named by the said Justice or Justices in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination: Provided

Justice may remand the accused from time to time, for not exceeding eight days, by Warrant, or for not more than three days by verbal order.

Proviso: always,

Party remanded may be brought before Justice at any time.

Proviso :

Party accused may, on the examination being adjourned, be admitted to bail to appear on the continuance thereof.

If the party does not so appear, recognizance to be transmitted to Clerk of the Peace.

always, that any such Justice or Justices may order such accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same Territorial Division, at any time before the expiration of the time for which such party shall be remanded, and the Gaoler or Officer in whose custody he shall then be shall duly obey such order : Provided also, that instead of detaining the said accused party in custody during the period for which such accused party shall be so remanded, any one Justice of the Peace before whom such party shall so appear or be brought as aforesaid, may discharge him, upon his entering into a Recognizance (Q 2, 3,) with or without a Surety or Sureties, at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination ; and if such accused party shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q 4) upon the back of the Recognizance the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the Territorial Division within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said accused party.

Recital.

XIV. And whereas it often happens that a person is charged before a Justice of the Peace with an offence alleged to have been committed in another Territorial Division than that in which such person has been apprehended, or in which such Justice has jurisdiction, and it is necessary to make provision as to the manner of taking the examination of the witnesses, and of committing the party accused or admitting him to bail in such a case : Be it therefore enacted, That whenever a person shall appear or be brought before a Justice or Justices of the Peace in the Territorial Division wherein such Justice or Justices shall have jurisdiction, charged with an offence alleged to have been committed by him within any Territorial Division wherein such Justice or Justices shall not have jurisdiction, it shall be lawful for such Justice or Justices, and he or they are hereby required to examine such witnesses, and receive such evidence in proof of the said charge as shall be produced before him or them within his or their jurisdiction ; and if in his or their opinion such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice or Justices shall thereupon commit him to the Common Gaol for the County where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned, and shall bind over the prosecutor (if he have appeared before him or them) and the witnesses, by Recognizance accordingly as hereinbefore mentioned ; but if such testimony and evidence shall not, in the opinion

If a party be apprehended in one Territorial Division on a charge of an offence committed in another, he may be examined in the former ;

And upon sufficient evidence may be committed to the Gaol of the Territorial Division where the offence was committed.

opinion of such Justice or Justices be sufficient to put the accused party upon his trial for the offence with which he is so charged, then such Justice or Justices shall bind over such witness or witnesses as he shall have examined by Recognizance to give evidence as hereinbefore is mentioned; and such Justice or Justices shall, by Warrant (R 1) under his or their Hand and Seal, or Hands and Seals, order the said accused party to be taken before some Justice or Justices of the Peace in and for the Territorial Division where the offence is alleged to have been committed, and shall at the same time deliver up the Information and Complaint, and also the Depositions and Recognizances so taken by him or them to the Constable who shall have the execution of such last mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the accused, in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the said last mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last mentioned Justice or Justices shall take in the matter of such charge against the said accused party, be transmitted to the Clerk of the Court or other proper Officer where the said accused party is to be tried, in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be admitted to bail; and in case such accused party shall be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable, or other person or persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused party before such last mentioned Justice or Justices, shall be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices; and upon the said Constable or other person producing the said accused party before such Justice or Justices, and delivering him into the custody of such person as the said Justice or Justices shall direct or name in that behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any) Depositions and Recognizances aforesaid, and proving by oath the hand-writing of the Justice or Justices who shall have subscribed the same, such Justice or Justices before whom the said accused party is produced shall thereupon furnish such Constable with a Receipt or Certificate (R 2) of his or their having received from him the body of the said accused party, together with the said Warrant, Information (if any), Depositions and Recognizances, and of his having proved to him or them, upon oath, the hand-writing of the Justice who shall have issued the said Warrant; and the said Constable, on producing such Receipt or Certificate to the Sheriff or High Bailiff, if he shall have been employed by such Officer; and if not, then to the Treasurer of the County in which such accused party was apprehended, will be entitled to

Proceedings if the evidence appear insufficient.

Provision as to payment of expenses of conveying the party accused to the proper Territorial Division.

to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other County or Territorial Division, and returning from the same.

Proceedings where a party shall be charged with felony or suspicion of felony, and the evidence appears sufficient to put him on his trial but not to warrant his committal for trial.

Proviso: one Justice may bail if the offence be a misdemeanor only.

Proviso. County Judge in his discretion may order a party committed for trial to be admitted to bail.

Proviso: for certain offences, bail shall not be taken except by order of one of the Judges of Q. B. or C. P.

Justice bailing after com-

XV. And be it enacted, That when any person shall appear before any Justice of the Peace charged with a felony or suspicion of felony, and the evidence adduced shall in the opinion of such Justice be sufficient to put such accused party on his trial as hereinafter mentioned, but shall not furnish such a strong presumption of guilt as to warrant his committal for trial, it shall and may be lawful for such Justice jointly with some other Justice of the Peace to admit such person to bail upon his procuring and producing such surety or sureties as in the opinion of such two Justices will be sufficient to ensure the appearance of such person so charged, at the time and place when and where he is to be tried for such offence; and thereupon such two Justices shall take the Recognizance (S 1, 2,) of the said accused person and his surety or sureties, conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial and not depart the Court without leave; Provided firstly, that when the offence committed or suspected to have been committed is a misdemeanor, any one Justice may admit to bail in manner aforesaid; and such Justice or Justices may at their discretion require that such bail should justify upon oath as to their sufficiency, which oath the said Justice or Justices is and are hereby authorized to administer, and in default of such person procuring sufficient bail, then such Justice or Justices may commit him to prison, there to be kept until delivered according to law; Provided secondly, and it is hereby declared and enacted, that in all cases of felony, where the party accused shall be finally committed as hereinafter provided, it shall be lawful for any County Judge who may be also a Justice of the Peace for the County within the limits of which such accused party is confined, in his discretion on application made to him for that purpose, to order such accused party or person to be admitted to bail on entering into Recognizance with sufficient sureties for such an amount, before two Justices of the Peace as the said Judge shall direct, and thereupon such Justices shall issue a warrant of deliverance (S 3,) as hereinafter provided, and shall attach thereto the order of the Judge directing the admitting of such party to bail; Provided lastly, that no Justice or Justices of the Peace, or County Judge shall admit any person to bail accused of treason or murder, nor shall any such person be admitted to bail, except by order of Her Majesty's Court of Queen's Bench or of Common Pleas, or one of the Judges thereof in vacation, and nothing herein contained, shall prevent such last mentioned Judges admitting any person accused of misdemeanor or felony to bail when they may think it right so to do.

XVI. And be it enacted, That in all cases where a Justice or Justices of the Peace shall admit to bail any person who shall then

then be in any prison charged with the offence for which he shall be so admitted to bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison, a Warrant of Deliverance (S 3,) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same.

mitment, to issue a Warrant of Deliverance.

XVII. And be it enacted, That when all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order such accused party, if in custody, to be discharged as to the Information then under inquiry, but if in the opinion of such Justice or Justices such evidence is sufficient to put the accused party upon his trial for an indictable offence, although it may not raise such a strong presumption of guilt as would induce such Justice or Justices to commit the accused for trial without bail, or if the offence with which the party is accused be a misdemeanor, then such Justices shall admit the party to bail as hereinbefore provided, but if the offence be a felony, and the evidence given be such as to raise a strong presumption of guilt, then such Justice or Justices shall by his or their warrant (T 1,) commit him to the Common Gaol for the Territorial Division to which he may now by Law be committed, or in the case of an indictable offence committed on the High Seas or on land beyond the Sea, to the Common Gaol of the Territorial Division within which such Justice or Justices shall have jurisdiction, to be there safely kept until he shall thence be delivered by due course of Law.

If the evidence be deemed insufficient, accused to be discharged : but if sufficient he shall be committed for trial, or admitted to bail, as the case may require.

XVIII. And be it enacted, That the Constable or any of the Constables, or other persons to whom any Warrant of Commitment shall be directed, authorized by this or any other Act, shall convey such accused person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper or Governor of such Gaol or Prison, who shall thereupon give such Constable or other person so delivering such prisoner into his custody a Receipt (T 2,) for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such Gaoler, Keeper or Governor.

Provisions touching the conveyance of prisoners to Gaol.

XIX. And be it enacted, That at any time after all the examinations aforesaid shall have been completed, and before the first day of the Sessions, or other first sitting of the Court at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody

After the examination is completed, Defendant to be entitled to a copy of depositions on

paying for
such copy.

custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding the rate of Three Pence for each folio of one hundred words.

Forms in
Schedule to
be valid.

XX. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law.

Inspectors of
Police, &c.,
may do alone
whatever may
be done by
two or more
Justices of
the Peace
under this
Act.

XXI. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any Territorial Division, shall have full power to do alone whatever is authorized by this Act to be done by any two or more Justices of the Peace, and that the several forms in the Schedule to this Act annexed, may be varied so far as it may be necessary to render them applicable to such Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate aforesaid.

Inconsistent
enactments
repealed.

XXII. And be it enacted, That from and after the day on which this Act shall commence to take effect, all other Act or Acts or parts of Acts which are contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Act to apply
to Upper Ca-
nada only.

XXIII. And be it enacted, That this Act shall apply only to Upper Canada, except in so far as any provision thereof is expressly extended to Lower Canada, or to any act to be done there.

Commence-
ment of Act.

XXIV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of July, one thousand eight hundred and fifty-three, and not before.

SCHEDULES.

(A)

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Province of Canada, }
(County or United }
Counties, or as the }
case may be,) of }

The information and complaint of C. D. of
(*yeoman*), taken this day of , in the year
of our Lord before the undersigned, (*one*) of Her
Majesty's Justices of the Peace in and for the said (*County, or*
as the case may be) of , who saith that (*&c., stating*
the offence).

Sworn before (*me*), the day and year first above mentioned,
at

J. S.

(B)

(B)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN
INDICTABLE OFFENCE.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be,) of }

To all or any of the Constables or other Peace Officers in the
 (County or United Counties, or as the case may be,) of :

Whereas A. B., of , (laborer), hath this day
 been charged upon oath before the undersigned, (one) of Her
 Majesty's Justices of the Peace in and for the said (County or
 United Counties, or as the case may be,) of
 , for that he, on , at , did
 (&c. stating shortly the offence); These are therefore to command
 you, in Her Majesty's name, forthwith to apprehend the said
 A. B., and to bring him before (me) or some other of Her
 Majesty's Justices of the Peace in and for the said (County or
 United Counties, or as the case may be) of , to
 answer unto the said charge, and to be further dealt with ac-
 cording to law.

Given under (my) Hand and Seal, this day
 of at , in the (County, &c.) afore-
 said.

J. S. [L. s.]

(C)

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be,) of }

To A. B. of , (laborer) :

Whereas you have this day been charged before the under-
 signed (one) of Her Majesty's Justices of the Peace in and for
 the said (County or United Counties, or as the case may be,) of
 for that you on , at ,
 (&c., stating shortly the offence); These are therefore to com-
 mand you, in Her Majesty's name, to be and appear before (me)
 on , at o'clock in the (fore) noon,
 at , or before such other Justice or Justices of the
 Peace for the same (County or United Counties, or as the case
 may be,) of , as may then be there, to answer to the
 the

the said charge, and to be further dealt with according to law.
Herein fail not.

Given under (*my*) Hand and Seal, this _____ day of _____
in the year of our Lord _____, at _____, in
the (*County, &c.*) aforesaid.

J. S. [L. s.]

(D 1.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
(*County or United* }
Counties, or as the }
case may be) of }

To all or any of the Constables, or other Peace Officers in the
said (*County or United Counties, or as the case may be*) of _____ :

Whereas on the _____ day of _____ (*instant*
or last past) A. B. of the _____, was charged before
(*me or us,*) the undersigned, (*or name the Magistrate or Magis-*
trates, or as the case may be) (*one*) of Her Majesty's Justices of
the Peace in and for the said (*County or United Counties, as the*
case may be,) of _____, for
that (*&c., as in the Summons*); And whereas (*I, he, the said Jus-*
tice of the Peace, we, or they, the said Justices of the Peace) then
issued (*my, our, his or their*) Summons to the said A. B., com-
manding him, in Her Majesty's name, to be and appear before
(*me*) on _____ at _____ o'clock in the (*fore*) noon,
at _____, or before such other Justice or Justices
of the Peace as should then be there, to answer to the said
charge, and to be further dealt with according to law; And
whereas the said A. B. hath neglected to be or appear at the
time and place appointed in and by the said Summons,
although it hath now been proved to (*me*) upon oath, that the
said Summons was duly served upon the said A. B.; These
are therefore to command you, in Her Majesty's name, forth-
with to apprehend the said A. B., and to bring him before (*me*)
or some other of Her Majesty's Justices of the Peace in and
for the said (*County or United Counties, or as the case may be*) of _____,
to answer the said charge, and to be further
dealt with according to law.

Given under (*my*) Hand and Seal, this _____ day
of _____ in the year of our Lord _____, at _____,
in the (*County*) of _____ aforesaid.

J. S. [L. s.]

(E 1.)

(E 1.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

The information of A. B. of the _____, of _____, in the said (County &c.) (yeoman), taken this _____ day of _____, in the year of our Lord _____, before me, W. S., Esquire, one of Her Majesty's Justices of the Peace, in and for the (County or United Counties, or as the case may be) of _____, who saith that on the _____ day of _____, (insert description of articles stolen,) of the goods and chattels of Deponent, were feloniously stolen, taken and carried away, from and out of the (Dwelling House &c.) of this Deponent, at the (Township, &c.) aforesaid, by (some person or persons unknown, or name the person,) and that he hath just and reasonable cause to suspect, and doth suspect that the said goods and chattels, or some part of them, are concealed in the (Dwelling House, &c., of C. D.) of _____, in the said (County) (here add the causes of suspicion, whatever they may be): Wherefore, (he) prays that a Search Warrant may be granted to him to search (the Dwelling House, &c.,) of the said C. D. as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn before me the day and year first above mentioned,
 at _____ in the said (County) of _____

W. S.
 J. P.

(E 2.)

SEARCH WARRANT.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be,) of }

To all or any of the Constables, or other Peace Officers, in the (County or United Counties, or as the case may be) of _____ :

Whereas A. B. of the _____, of _____, in the said (County &c.) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace, in and for the said (County, or United Counties, or as the case may be,) of _____, that on the _____ day of _____ (copy information as far as place of supposed concealment); These are therefore in the name of our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the _____

the said (*Dwelling House, &c.*, of the said, &c.) and there diligently search for the said goods and chattels, and if the same or any part thereof shall be found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, or some other Justice of the Peace, in and for the said (*County or United Counties, or as the case may be*) of _____ to be disposed of and dealt with according to law.

Given under my Hand and Seal, at _____, in the said (*County, &c.*) this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

W. S. J. P. (*Seal.*)

(F.)

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that at a Court of (Oyer and Terminer, or General Gaol Delivery, or General Sessions of the Peace) holden in and for the (*County or United Counties, or as the case may be,*) of _____, at _____, in the said (*County, &c.*) on _____, a Bill of Indictment was found by the Grand Jury against A. B., therein described as A. B. late of _____, (*laborer,*) for that he (*&c., stating shortly the offence,*) and that the said A. B. hath not appeared or pleaded to the said indictment.

Dated this _____, day of _____ one thousand eight hundred and _____

Z. X.

Clerk of the Crown or Deputy Clerk of the Crown for the (*County or United Counties, as the case may be,*)
or

Clerk of the Peace of and for the said (*County or United Counties, as the case may be.*)

(G.)

WARRANT TO APPREHEND A PERSON INDICTED.

Province of Canada, }
(*County or United* }
Counties, or as the }
case may be,) of }

To all or any of the Constables, or other Peace Officers, in the said (*County or United Counties, or as the case may be*) of _____ :

Whereas it hath been duly certified by J. D., Clerk of the Crown of (*name the Court*) (or E. G. Deputy Clerk of the Crown, or Clerk of the Peace, as the case may be) in and for the (*County or United Counties, or as the case may be*) of _____ that (*&c., stating the certificate*) ; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*), or some other Justice

or

or Justices of the Peace in and for the said (*County or United Counties, or as the case may be,*) to be dealt with according to law.

Given under my Hand and Seal, this day of
in the year of our Lord , at , in the (*County,*
&c.) aforesaid.

J. S. [L. s.]

(H.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Province of Canada, }
(*County or United* }
Counties, or as the }
case may be) of }

To all or any of the Constables, or other Peace Officers in the said (*County, &c.*) of and to the Keeper of the Common Gaol, at , in the said (*County or United Counties, or as the case may be*) of :

Whereas by a Warrant under the Hand and Seal of , (*one*) of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be,*) of under Hand and Seal , dated the day of , after reciting that it had been certified by J. D. (*&c. as in the certificate,*) () the said Justice of the Peace commanded all or any of the Constables, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*him*) the said Justice of the Peace in and for the said (*County or United Counties, or as the case may be*) of or before some other Justice or Justices in and for the said (*County or United Counties, or as the case may be,*) to be dealt with according to law; And whereas the said A. B. hath been apprehended under and by virtue of the said Warrant, and being now brought before (*me*) it is hereupon duly proved to (*me*) upon oath that the said A. B. is the same person who is named and charged by , in the said indictment; These are therefore to command you the said Constables and Peace Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said Common Gaol at , in the said (*County or United Counties, or as the case may be*) of , and there to deliver him to the Keeper thereof, together with this Precept; and (I) hereby command you the said Keeper to receive the said A. B. into your custody in the said Gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (*my*) Hand and Seal, this day of
 , in the year of our Lord , at ,
in the (*County, &c.*) aforesaid,

J. S. [L. s.] (1)

(I)

WARRANT TO DETAIN A PERSON INDICTED, WHO IS ALREADY IN CUSTODY FOR ANOTHER OFFENCE.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

To the Keeper of the Common Gaol at _____ in the said
 (County or United Counties, or as the case may be) of _____ :

Whereas it hath been duly certified by J. D., Clerk of the Crown of (name the Court) or Deputy Clerk of the Crown, or Clerk of the Peace of and for the (County or United Counties, or as the case may be) of _____ that (&c. stating the Certificate) ; And whereas (I am) informed that the said A. B. is in your custody in the said Common Gaol at _____ aforesaid, charged with some offence, or other matter ; and it being now duly proved upon oath before (me) that the said A. B. so indicted as aforesaid, and the said A. B., in your custody as aforesaid, are one and the same person ; These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the Common Gaol aforesaid, until by Her Majesty's Writ of *Habeas Corpus* he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (my) Hand and Seal, this _____ day of _____, in the year of our Lord _____ at _____, in the (County, &c.) aforesaid. _____ J. S. [L. s.]

(K)

ENDORSEMENT IN BACKING A WARRANT.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, that the name of J. S., to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned ; I do therefore hereby authorize W. T. who bringeth to me this Warrant, and all other persons to whom this Warrant was originally directed, or by whom it may be lawfully executed, and also all Constables and other _____ Peace

Peace Officers of the said (*County or United Counties, or as the case may be*) of _____, to execute the same within the said last mentioned (*County or United Counties, or as the case may be*).

Given under my Hand, this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, &c.*) aforesaid.

J. L.

(L 1.)

SUMMONS TO A WITNESS.

Province of Canada, }
 (*County or United* }
Counties, or as the }
case may be) of }

To E. F. of _____, (*laborer,*):

Whereas information hath been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said (*County or United Counties, or as the case may be*) of _____, that A. B. (*&c., as in the Summons or Warrant against the accused,*) and it hath been made to appear to me upon (*oath*), that you are likely to give material evidence for (*prosecution*); These are therefore to require you to be and to appear before me on _____ next, at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same (*County or United Counties, or as the case may be*) of _____, as may then be there, to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, &c.*) aforesaid.

J. S. [L. s.]

(L 2.)

WARRANT WHEN A WITNESS HAS NOT OBEYED A SUMMONS.

Province of Canada, }
 (*County or United* }
Counties, or as the }
case may be) of }

To all or any of the Constables, or other Peace Officers, in the said (*County or United Counties, or as the case may be*) of _____:

Whereas information having been laid before _____, (*one*) of Her Majesty's Justices of the Peace, in and for the said (*County, &c.*) of _____, that A. B., (*&c., as in the Summons*);
 And

And it having been made to appear to (me) upon oath that E. F. of _____, (*laborer*), was likely to give material evidence for the prosecution, (I) did duly issue (*my*) Summons to the said E. F., requiring him to be and appear before (me) on _____, at _____, or before such other Justice or Justices of the Peace for the same (*County or United Counties, or as the case may be*) as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof hath this day been made upon oath before (me) of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (me) on _____ at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same (*County or United Counties, or as the case may be*) as may then be there, to testify what he shall know concerning the said charges so made against the said A. B. as aforesaid.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the (*County, &c.*) aforesaid.

J. S. [L. s.]

(L 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Province of Canada, }
 (*County or United* }
Counties, or as the }
case may be) of }

To all or any of the Constables or Peace Officers in the said (*County or United Counties, or as the case may be*) of _____ :

Whereas information has been laid before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said (*County or United Counties, or as the case may be*) of _____, that (*&c., as in the Summons*); and it having been made to appear to (me) upon oath, that E. F. of _____, (*laborer*), is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so; These are therefore to command you to bring and have the said E. F. before (me) on _____, at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same (*County or United Counties, or as the case may be*) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the (*County, &c.*) aforesaid.

J. S. [L. s.]
 (L 4.)

(L 4.)

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN, OR TO GIVE EVIDENCE.

Province of Canada,
 (County or United
 Counties, or as the
 case may be) of

To all or any of the Constables or other Peace Officers in the
 (County or United Counties, or as the case may be) of
 and to the Keeper of the Common Gaol at , in the said
 (County or United Counties, or as the case may be) of :

Whereas A. B. was lately charged before
 (one) of Her Majesty's Justices of the Peace in and for the said
 (County or United Counties, or as the case may be) of
 for that (&c. as in the Summons); And it having been made
 to appear to (me) upon oath that E. F. of
 was likely to give material evidence for the prosecution, (I)
 duly issued (my) Summons to the said E. F. requiring him to
 be and appear before me on , at , or
 before such other Justice or Justices of the Peace for the same
 (County or United Counties, or as the case may be) as should then
 be there, to testify what he should know concerning the said
 charge so made against the said A. B. as aforesaid; And the
 said E. F. now appearing before (me) (or being brought before
 (me) by virtue of a Warrant in that behalf, to testify as aforesaid,)
 and being required to make oath or affirmation as a witness in
 that behalf, hath now refused so to do, (or being duly sworn as
 a witness doth now refuse to answer certain questions concern-
 ing the premises which are now here put to him, and more
 particularly the following)

without offering any just excuse for such refusal; These are
 therefore to command you, the said Constables, Peace Officers,
 or any one of you, to take the said E. F. and him safely
 convey to the Common Gaol at
 in the (County, &c.) aforesaid, and there to deliver him to the
 Keeper thereof, together with this Precept; And (I) do hereby
 command you, the said Keeper of the said Common Gaol to
 receive the said E. F. into your custody in the said Common
 Gaol, and him there safely keep for the space of days, for
 his said contempt, unless he shall in the meantime consent to be
 examined, and to answer concerning the premises; and for
 your so doing, this shall be your sufficient Warrant.

Given under (my) Hand and Seal, this day of
 in the year of our Lord , at , in the (County, &c.)
 aforesaid.

J. S. [L. s.]

(M.)

(M.)

DEPOSITIONS OF WITNESSES.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

The examination of C. W. of _____, (*farmer,*) and E. F. of _____ (*laborer*), taken on (*oath*) this _____ day of _____, in the year of our Lord _____, at _____, in the (*County, or as the case may be*) aforesaid, before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said (*County or United Counties, or as the case may be*), in the presence and hearing of A. B. who is charged this day before (*me*) for that he, the said A. B. at _____, (*&c. describing the offence as in a Warrant of Commitment.*)

This Deponent, C. D. upon his (*oath*) saith as follows: (*&c. stating the depositions of the witness as nearly as possible in the words he uses. When his deposition is completed, let him sign it.*)

And this Deponent, E. F. upon his (*oath*) saith as follows: (*&c.*)

The above depositions of C. D. and E. F. were taken and (*sworn*) before me, at _____ on the day and year first above mentioned.

J. S.

(N.)

STATEMENT OF THE ACCUSED.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be,) of }

A. B. stands charged before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the (*County or United Counties, or as the case may be*) aforesaid, this _____ day of _____ in the year of our Lord _____, for that the said A. B., on _____, at _____, (*&c. as in the caption of the depositions*;) And the said charge being read to the said A. B., and the witnesses for the prosecution C. D. and E. F. being severally examined in his presence, the said A. B. is now addressed by me as follows: "Having heard the evidence, do you wish to say any thing in answer to the charge? You are not obliged to say any thing, unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you" at _____

“ at your trial.” Whereupon the said A. B. saith as follows :
*(Here state whatever the prisoner may say, and in his very words
 as nearly as possible. Get him to sign it if he will.)*

Taken before me, at
 above mentioned.

A. B.
 , the day and year first

J. S.

(O 1.)

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

Be it remembered, That on the day of
 in the year of our Lord , C. D. of , in
 the of , in the (*Township*) of ,
 in the said (*County*) of , (*farmer,*) (or C. D. of No. ,
 2, Street, , in the Town or City
 of , *Surgeon*, of which said house he is *tenant*),
 personally came before me, one of Her Majesty's Justices of
 the Peace in and for the said (*County or United Counties, or as
 the case may be*) of , and acknowledged himself
 to owe to our Sovereign Lady the Queen the sum of ,
 of good and lawful current money of this Province, to be made
 and levied on his goods and chattels, lands and tenements, to
 the use of our said Lady the Queen, Her Heirs and Successors,
 if he the said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above men-
 tioned, at before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within (*or above*) written Recognizance
 is such, that whereas one A. B. was this day charged before
 me J. S. Justice of the Peace within mentioned, for that (*&c.*,
as in the caption of the depositions;) if, therefore, he, the said
 C. D. shall appear at the next Court of Oyer and Terminer or
 General Gaol Delivery, (*or at the next Court of General or
 Quarter Sessions of the Peace,*) to be holden in and for the
 (*County or United Counties, or as the case may be*) of ,
 and there prefer or cause to be preferred a Bill of Indictment
 for the offence aforesaid, against the said A. B. and there also
 duly prosecute such indictment, then the said Recognizance
 to be void, or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(*Same as the last form, to the asterisk,* and then thus :—*“ And
 “ there prefer or cause to be preferred a Bill of Indictment
 “ against

“ against the said A. B. for the offence aforesaid, and duly
 “ prosecute such indictment, and give evidence thereon, as
 “ well to the Jurors who shall then enquire into the said
 “ offence, as also to them who shall pass upon the trial of the
 “ said A. B., then the said Recognizance to be void, or else to
 “ stand in full force and virtue.”

CONDITION TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk,* and then thus :)
 “ And there give such evidence as he knoweth upon a Bill of
 “ Indictment to be then and there preferred against the said
 “ A. B. for the offence aforesaid, as well to the Jurors who
 “ shall there enquire of the said offence, as also to the Jurors who
 “ shall pass upon the trial of the said A. B. if the said Bill
 “ shall be found a True Bill, then the said Recognizance to
 “ be void, otherwise to remain in full force and virtue.”

(O 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE
 PROSECUTOR AND HIS WITNESS.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

Take notice that you C. D. of _____, are bound in the
 sum of _____ to appear at the next Court of Oyer and
 Terminer and General Gaol Delivery, (or at the next Court of
 General Quarter Sessions of the Peace, in and for the (County
 or United Counties, or as the case may be) of _____,
 to be holden at _____, in the said (County, &c.) and then and there
 (prosecute and) give evidence against A. B., and unless you
 then appear there, (prosecute) and give evidence accordingly,
 the Recognizance entered into by you will be forthwith levied
 on you.

Dated this _____ day of _____ one thousand
 eight hundred and _____

J. S.

(P 1.)

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE
RECOGNIZANCE.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

To all or any of the Constables or other Peace Officers in the said (County or &c.) of _____, and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be) at _____, in the said (County, or as the case may be) of _____ :

Whereas A. B. was lately charged before the undersigned, (or name of Justice of the Peace, (one) of Her Majesty's Justices of the Peace in and for the said (County, or &c.) of _____, for that (&c. as in the Summons to the Witness), and it having been made to appear to (me) upon oath that E. F., of _____, was likely to give material evidence for the prosecution, (I) duly issued (my) Summons to the said E. F., requiring him to be and appear before (me) on _____, at _____ or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (me) (or being brought before (me) by virtue of a Warrant in that behalf to testify as aforesaid), hath been now examined before (me) touching the premises, but being by (me) required to enter into a Recognizance conditioned to give evidence against the said A. B., hath now refused so to do; These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said E. F. and him safely to convey to the Common Gaol at _____ in the (County, &c.) aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol to receive the said E. F. into your custody in the said Common Gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. shall duly enter into such Recognizance as aforesaid, in the sum of _____, before some one Justice of the Peace for the said (County or United Counties, or as the case may be,) conditioned in the usual form to appear at the next Court of (Oyer and Terminer, or General Gaol Delivery, or General Quarter Sessions of the Peace), to be holden in and for the said (County or United Counties, or as the case may be,) of _____ and there to give evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give

give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this _____, day of _____, in the year of Our Lord _____, at _____ in the (County, &c.), of _____ aforesaid.

J. S. [L. s.]

(P 2.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

To the Keeper of the Common Gaol, at _____, in the (County) of _____ aforesaid :

Whereas by (my) order dated the _____ day of _____ (instant), reciting that A. B. was lately before then charged before (me) for a certain offence therein mentioned, and that E. F. having appeared before (me), and being examined as a witness for the prosecution in that behalf, refused to enter into a Recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid ; And whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody ; These are therefore to order and direct you the said Keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Given under my Hand and Seal, this _____, day of _____, in the year of Our Lord _____, at _____ (County, &c.) of _____ aforesaid.

J. S. [L. s.]

(Q 1.)

(Q 1.)

WARRANT REMANDING A PRISONER.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

To all or any of the Constables or other Peace Officers in the said (County or United Counties, or as the case may be) of _____, and to the Keeper of the (Common Goal or Lock-up House) at _____, in the said (County, &c.) of _____ :

Whereas A. B. was this day charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that (&c., as in the Warrant to apprehend), and it appears to (me) to be necessary to remand the said A. B. ; These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (Common Goal or Lock-up House), at _____, in the said (County, &c.), and there to deliver him to the Keeper thereof, together with this Precept ; and I hereby command you the said Keeper to receive the said A. B. into your custody in the said (Common Goal or Lock-up House), and there safely keep him until the _____ day of (instant), when I hereby command you to have him at _____, at _____ o'clock in the (fore) noon of the same day before (me) or before some other Justice or Justices of the Peace for the said (County or United Counties, or as the case may be) as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord, _____, at _____, in the (County, &c.) of _____ aforesaid.

J. S. [L. s.]

(Q 2.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND, ON AN ADJOURNMENT OF EXAMINATION.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, _____, A. B. of _____, (laborer), L. M. of _____, (grocer), and N. O. of _____, (butcher), personally came before me, (one) of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be), and severally acknowledged themselves

themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.

CONDITION.

The condition of the within written Recognizance is such, that whereas the within bounden A. B. was this day (*or, on last past*) charged before me for that (*&c. as in the Warrant*): And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the day of _____ (*instant*); If therefore the said A. B. shall appear before me on the said _____ day of _____ (*instant*), at _____ o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said (*County or United Counties*) of _____ (*as the case may be*) as may then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q 3.)

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED
AND HIS SURETIES.

Province of Canada, }
(*County or United*) }
Counties, or as the }
case may be) of }

Take notice that you A. B. of _____, are bound in the sum of _____ and your Sureties L. M. and N. O. in the sum of _____, each, that you A. B. appear before me J. S., one of Her Majesty's Justices of the Peace for the (*County or United Counties, or as the case may be*) of _____, on _____, the day of _____ (*instant*), at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the same (*County or United Counties, or as the case may be*) as may be then there, to answer (*further*) to the charge made against you by C. D., and to be further dealt with according to law; and unless you A. B. personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.
(Q 4.)

(Q 4.)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1.)

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE
COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, }
(County or United }
Counties, or as the }
case may be) of }

To all or any of the Constables, or other Peace Officers, in the
said (County or United Counties, or as the case may be) of :

Whereas A. B. of (laborer), hath this day been charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the (County or United Counties, or as the case may be) of , for that (&c. as in the Warrant to apprehend); And whereas (I) have taken the deposition of C. D. a witness examined by (me) in this behalf, but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the (County or United Counties, or as the case may be) of where the said offence is alleged to have been committed; These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said (County or United Counties, or as the case may be) of and there carry him before some Justice or Justices of the Peace in and for that (County or United Counties, or as the case may be,) and near unto the (Township of) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (I) hereby further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my Hand and Seal, this day of , in
the year of our Lord , at , in the (County, &c.)
of aforesaid,

J. S. [L. S.]
(R. 2.)

(R 2.)

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR
THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

I, J. P. one of Her Majesty's Justices of the Peace, in and for the (County, &c.) of _____, hereby certify that W. T., Constable, or Peace Officer, of the (County or United Counties, or as the case may be) of _____, has on this day of _____, one thousand eight hundred and _____, by virtue of and in obedience to a Warrant of J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the (County or United Counties, or as the case may be) of _____ produced before me, one A. B. charged before the said J. S. with having (&c. stating shortly the offence,) and delivered him into the custody of _____ by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said Warrant, together with the information (if any) in that behalf, and the deposition (s) of C. D. (and of _____) in the said Warrant mentioned, and that he has also proved to me upon oath, the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at in the said (County, &c.) of _____

J. P.

(S 1.)

RECOGNIZANCE OF BAIL.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

Be it remembered, That on the _____ day of _____ in the year of our Lord _____, A. B. of _____, (laborer,) L. M. of _____, (grocer,) and N. O. of _____, (butcher,) personally came before (us) the undersigned, two of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be,) and severally acknowledged themselves to owe to our Lady the Queen, the several sums following, that is to say : the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and

and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before us.

J. S.
J. N.

CONDITION.

The condition of the within written Recognizance is such, that whereas the said A. B. was this day charged before (us,) the Justices within mentioned for that (&c. as in the Warrant); If therefore the said A. B. will appear at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General Quarter Sessions of the Peace) to be holden in and for the (County or United Counties, or as the case may be) of _____, and there surrender himself into the custody of the Keeper of the (Common Gaol or Lock-up House) there, and plead to such Indictment as may be found against him by the Grand Jury, for and in respect to the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE
ACCUSED AND HIS HAIL.

Take notice that you A. B., of _____, are bound in the sum of _____, and your Sureties (L. M. and N. O.) in the sum of _____, each, that you A. B. appear (&c. as in the condition of the Recognizance,) and not depart the said Court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.

(S 3.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A
PRISONER ALREADY COMMITTED.

Province of Canada, }
 (County or United }
 Counties, or as the }
 case may be) of }

To the Keeper of the Common Gaol of the (County or United
 Counties, or as the case may be) at
 in the said (County or United Counties, or as the case may
 be) of :

Whereas A. B., late of , (laborer), hath before (us),
 (two) of Her Majesty's Justices of the Peace in and for the said
 (County or United Counties, or as the case may be) of ,
 entered into his own Recognizance, and found sufficient sureties
 for his appearance at the next Court of Oyer and Terminer or
 General Gaol Delivery (or Court of General Quarter Sessions
 of the Peace) to be holden in and for the (County or United
 Counties, or as the case may be) of , to answer our
 Sovereign Lady the Queen, for that (&c. as in the Commitment),
 for which he was taken and committed to your said Common
 Gaol; These are therefore to command you, in Her said
 Majesty's name, that if the said A. B. do remain in your
 custody in the said Common Gaol for the said cause, and for
 no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this day of
 in the year of our Lord , at , in the (County, &c.)
 of aforesaid.

J. S. [L. s.]
 J. N. [L. s.]

(T 1.)

WARRANT OF COMMITMENT.

Province of Canada }
 (County or United }
 Counties, or as the }
 case may be) of }

To all or any of the Constables, or other Peace Officers, in
 the (County or United Counties, or as the case may be) of
 and to the Keeper of the Common Gaol of the (County or
 United Counties, or as the case may be) at , in the
 said (County, &c.) of :

Whereas A. B. was this day charged before (me) J. S. (one)
 of Her Majesty's Justices of the Peace in and for the said
 (County or United Counties, or as the case may be) of ,
 on

on the oath of C. D., of (farmer,) and others, for that, (&c. stating shortly the offence); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B., and him safely convey to the Common Gaol at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B. into your custody in the said Common Gaol, and there safely to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the (County, &c.) of aforesaid.

J. S. [L. s.]

(T 2.)

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER, AND JUSTICE'S ORDER THEREON FOR THE PAYMENT OF THE CONSTABLE'S EXPENCES IN EXECUTING THE COMMITMENT.

I hereby certify that I have received from W. T., Constable, of the (County, &c.) of , the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire, one of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be) of , and that the said A. B., was (sober, or as the case may be) at the time he was delivered into my custody.

P. K.

Keeper of the Common Gaol of the said (County, &c.)

at

To R. W. Esquire, Treasurer of the (County or United Counties, or as the case may be) of :

Whereas W. T., Constable, of the (County or United Counties, or as the case may be) of , hath produced unto me, J. P., one of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of , the above receipt of P. K., Keeper of the Common Gaol at ; And whereas in pursuance of the Statute in such case made and provided, I have ascertained that the sum which ought to be paid to the said W. T. for arresting and conveying the said A. B. from , in the (County of) to the said Common Gaol is , and that the reasonable expences of the said W. T. in returning will amount to the further sum of , making together the sum of ; These are therefore to order you, as such Treasurer for the said (County or United Counties, or as the case may be) of , to pay unto the said W. T. the said sum

sum of _____, according to the form of the Statute in such case made and provided, for which payment this Order shall be your sufficient voucher and authority.

Given under my Hand, this _____ day of
one thousand eight hundred and _____

J. P.

Received the _____ day of _____, one thousand eight hundred and _____, of the Treasurer of the (*County or United Counties, or as the case may be*) of _____, the sum of _____, being the amount of the above Order.

£ s. d.

W. T.

CAP. CLXXX.

An Act to protect Justices of the Peace in Upper Canada from vexatious Actions.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to protect Justices of the Peace in Upper Canada in the execution of their duty : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That every Action hereafter to be brought against any Justice of the Peace in Upper Canada for any act done by him in the execution of his duty as such Justice, with respect to any matter within his jurisdiction as such Justice, shall be an action on the case as for a tort ; and in the declaration it shall be expressly alleged that such act was done maliciously and without reasonable and probable cause ; and if at the trial of any such Action, upon the general issue being pleaded, the Plaintiff shall fail to prove such allegation, he shall be non-suit or a verdict shall be given for the Defendant.

Actions for things done within jurisdiction of the Justice to be on the case as for a tort. Malice and want of probable cause must be alleged and proved.

Actions when the Justice shall have exceeded his jurisdiction may lie without such allegation.

II. And be it enacted, That for any act done by a Justice of the Peace in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any Conviction or Order made or Warrant issued by such Justice in any such matter, may maintain an action against such Justice in the same form and in the same case as he might have done before the passing of this Act, without making any allegation in his declaration that the act complained of was done maliciously and

and without reasonable and probable cause : Provided nevertheless, that no such Action shall be brought for any thing done under such Conviction or Order until after such Conviction or Order shall have been quashed, either upon appeal or upon application to one of the Superior Courts of Common Law for Upper Canada ; nor shall any such Action be brought for any thing done under any such Warrant which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a Conviction or Order in the same matter, until after such Conviction or Order shall have been so quashed as aforesaid ; or if such last mentioned Warrant shall not have been followed by any such Conviction or Order, or if it be a Warrant upon an information for an alleged indictable offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such Summons, in such case no such Action shall be maintained against such Justice for any thing done under such Warrant.

But not for an act done under a Conviction or Order until the same be quashed.

Nor for an act done under a Warrant to compel appearance, if a Summons were previously served and not obeyed.

III. And be it enacted, That where a Conviction or Order shall be made by one or more Justice or Justices of the Peace, and a Warrant of distress or of commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without collusion, no Action shall be brought against the Justice who so granted such Warrant by reason of any defect in such Conviction or Order, or for any want of jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Conviction or Order.

If one Justice make a Conviction, &c. and another grant a Warrant. action must be against the former.

IV. And whereas it would conduce to the advancement of justice, and render more effective and certain the performance of the duties of Justices, and give them protection in the performance of the same, if some simple means, not attended with much expense, were devised by which the legality of any act to be done by such Justice might be considered and adjudged by a Court of competent jurisdiction, and such Justice enabled and directed to perform it without risk of any Action or other proceeding being brought or had against him : Be it therefore enacted, That in all cases where a Justice or Justices of the Peace shall refuse to do any act relating to the duties of his or their Office as such Justice or Justices, it shall be lawful for the party requiring such act to be done to apply to either of the Superior Courts of Common Law in Upper Canada, or to the Judge of the County Court of the County or United Counties in which such Justice or Justices may reside, upon an affidavit of the facts, for a rule calling upon such Justice or Justices, and also the party to be affected by such act, to show cause why such act should not be done ; and if after due service of such

If a Justice refuse to do any act, either of the Superior Courts of Common Law or a County Judge may order him to do it, and no action shall then lie against him for doing it.

such rule good cause shall not be shown against it, the said Court may make the same absolute, with or without or upon payment of costs, as to them shall seem meet; and the said Justice or Justices upon being served with such rule absolute shall obey the same, and shall do the act required; and no action or proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices, for having obeyed such rule and done such act so thereby required as aforesaid.

After Conviction, &c., confirmed on appeal, no Action to lie for an act done under a Warrant upon it.

V. And be it enacted, That in all cases where a Warrant of Distress or Warrant of Commitment shall be granted by a Justice of the Peace upon any Conviction or Order which, either before or after the granting of such Warrant, shall have been or shall be confirmed upon appeal, no Action shall be brought against such Justice who so granted such Warrant, for any thing which may have been done under the same, by reason of any defect in such Conviction or Order.

If an Action be brought contrary to this Act, Judge may set aside the proceedings.

VI. And be it enacted, That in all cases where by this Act it is enacted that no action shall be brought under particular circumstances, if any such Action shall be brought, it shall be lawful for a Judge of the Court in which the same shall be brought, upon application of the Defendant, and upon an affidavit of facts, to set aside the proceedings in such Action, with or without costs, as to him shall seem meet.

Limitation of Action.

VII. And be it enacted, That no Action shall be brought against any Justice of the Peace for any thing done by him in the execution of his Office, unless the same be commenced within Six Calendar Months next after the act complained of shall have been committed.

Notice of Action to be given, and how.

VIII. And be it enacted, That no such Action shall be commenced against any such Justice of the Peace until one Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to him, or left for him at his usual place of abode, by the party intending to commence such Action, or by his Attorney or Agent, in which said notice the cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the said Attorney or Agent, if such notice have been served by such Attorney or Agent.

Venue how to be laid.

IX. And be it enacted, That in every such Action the venue shall be laid in the County where the act complained of was committed, or in Actions in County or Division Courts the Action must be brought in the County or Division within which the act complained of was committed or the Defendant resides, and the Defendant shall be allowed to plead the General

Issue

Issue therein, and to give any special matter of defence, excuse or justification in evidence under such plea, at the trial of such Action : Provided always, that no Action shall be brought in any such County or Division Court against a Justice of the Peace for any thing done by him in the execution of his office if such Justice shall object thereto ; and if within Six Days after being served with a notice of any such Action, such Justice or his Attorney or Agent, shall give a written notice to the Plaintiff in such Action that he objects to being sued in such County or Division Court for such cause of Action, no proceedings afterwards shall be had in such County or Division Court in any such Action, but it shall not be necessary to give another notice of Action in order to sue such Justice in any other Court ; Provided secondly, and it is hereby declared and enacted, that the several County Courts in Upper Canada shall have Jurisdiction and shall hold plea in all Suits or Actions to be brought against Justices of the Peace for any thing done or pretended to be done by them in the execution of their office, when the damages claimed shall not exceed the sum of thirty pounds.

Defendant may plead the General Issue and give the special matter, &c., in evidence.

Proviso : Action not to be brought in County or Division Court if the Justice object.

Proviso : County Courts to hold plea of actions against J. P. up to £30.

X. And be it enacted, That in every such case after notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such notice shall be given may tender to the party complaining, or to his Attorney or Agent, such sum of money as he may think fit as amends for the injury complained of in such notice ; and after such Action shall have been commenced, and at any time before issue joined therein, such Defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, and which said tender and payment of money into Court, or either of them, may afterwards be given in evidence by the Defendant at the trial under the General Issue aforesaid ; and if the jury at the trial shall be of opinion that the Plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the Plaintiff ; or if, where money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought, an order that such money shall be paid out of Court to him and that the Defendant shall pay him his costs to be taxed, and thereupon the said Action shall be determined, and such order shall be a bar to any other Action for the same cause.

Tender and payment of money into Court, by Justice.

If the Jury think the Plaintiff entitled to no greater damages, they shall give a verdict for the Defendant.

If the Plaintiff accepts the money.

If Plaintiff fail to prove certain things he shall be nonsuited, or verdict given for the Defendant.

XI. And be it enacted, That if at the trial of any such Action the Plaintiff shall not prove that such Action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given one Calendar Month before such Action was commenced, or if he shall not prove the cause of Action stated in such notice, or if he shall not prove that such cause of Action arose in the County or place laid as venue in the margin of the declaration, or (when such Plaintiff shall sue in the County or Division Court) within the County or United Counties for which such Court is holden, then and in every such case such Plaintiff shall be nonsuit, or the Jury shall give a verdict for the Defendant.

Damages limited in certain cases.

XII. And be it enacted, That in all cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any Conviction or Order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of two pence as damages for such imprisonment, or any costs of suit whatsoever, if it shall be proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay.

What costs shall be allowed to either party.

XIII. And be it enacted, That if the Plaintiff in any such Action shall recover a verdict, or the Defendant shall allow judgment to pass against him by default, such plaintiff shall be entitled to costs in such manner as if this Act had not been passed; or if in such case it be stated in the declaration, or in the Summons and particulars in the Division Court if he sue in that Court, that the act complained of was done maliciously and without reasonable and probable cause, the Plaintiff, if he recover a verdict for any damages, or if the Defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit, to be taxed as between Attorney and Client; and in every action against a Justice of the Peace for any thing done by him in the execution of his Office, the Defendant, if he obtain judgment upon verdict or otherwise, shall in all cases be entitled to his full costs in that behalf, to be taxed as between Attorney and Client.

Commencement of this Act.

XIV. And be it enacted, That this Act shall commence and take effect on the first day of July, in the year of our Lord one thousand eight hundred and fifty-three.

Inconsistent enactments repealed.

XV. And be it enacted, That from and after the time this Act shall so commence and take effect as aforesaid, the following Statutes

Statutes so far as relates to Actions against Justices of the Peace shall be and shall be deemed and taken to be repealed in so far as regards Upper Canada, that is to say : so much of an Act of the Parliament of this Province made and passed in the session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the Laws affording protection to Magistrates and others in the performance of public duties*, and all other Act or Acts or parts of Acts which are inconsistent with the provisions of this Act ; save and except so much of the said Acts as repeal any other Acts or parts of Acts, and also except as to proceedings then pending, to which the same or any of them may be applicable.

14 & 15 V. c.
54. as far as
regards U. C.

XVI. And be it enacted, That this Act shall apply for the protection of all persons for any thing done in the execution of their Office, in all cases in which, by the provisions of any Act or Acts of Parliament, the several Statutes or parts of Statutes by this Act repealed would have been applicable if this Act had not been passed.

Act to apply
to persons pro-
tected by re-
pealed Acts,
&c.

XVII. And be it enacted, That this Act shall apply to Upper Canada only ; and that the word " County " in this Act shall include Unions of Counties for judicial purposes.

Extent of Act.
Interpreta-
tion.

C A P. C L X X I.

An Act to amend the Municipal Acts of Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient further to amend the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and the Acts amending the same, and to supply some provisions which have been found wanting in the said Acts : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the twenty-second, thirty-third, sixty-fifth, eighty-third, eighty-fourth, ninety-fourth, one hundred and third, one hundred and ninth, one hundred and fifteenth, one hundred and twenty-eighth, one hundred and thirty-second, one hundred and thirty-fifth, one hundred and forty-sixth, one hundred and forty-seventh, one hundred and fortieth, one hundred and sixty-eighth, one hundred and eighty-fifth, one hundred and eighty-eighth, one hundred and ninety-fifth, and two hundred and fourth Sections of *The Upper Canada Municipal Corporations Act of 1849*, with the amendments made

Preamble.

Act 12 V. c.
81 cited.

Certain sec-
tions of 12 V.
c. 81, as
amended by
13 & 14 V. c.
64, and 14 &
15 V. c. 109,
repealed ; and
others substi-
tuted for them.

made

made to any of the said Sections by *The Upper Canada Municipal Corporations Law Amendment Act of 1850*, or by *The Upper Canada Municipal Corporations Law Amendment Act of 1851*, or by both the said last mentioned Acts, shall be and the same are hereby repealed, and the several sections hereinafter substituted for them respectively shall make part of the said *Upper Canada Municipal Corporations Act of 1849*, which shall after the time when this Act shall come into force and effect, be read, construed and take effect as if the said substituted Sections had been originally inserted therein in the place and stead of the Sections for which they are hereby substituted respectively: Provided always, nevertheless that neither the repeal of the Sections hereby repealed nor the substitution of other enactments or provisions for those contained in the said Sections, shall render void or affect in any way any thing done or any right acquired or any penalty, forfeiture or liability incurred before this Act shall come into force and effect, but the same shall be considered, enforced, adjudged upon and dealt with as if such repeal and substitution had not taken place.

Proviso:
as to things
done before
this Act comes
into force.

TOWNSHIPS.

Returning
Officer at the
Municipal
Election for
any new
Township
during the
first year, to
procure a cor-
rect copy of
the Collector's
Roll.

II. And be it enacted, That in every case where any New Township hath been or shall be constituted out of a part or parts of any Old Township or Townships, or where any Township united to any other Township or Townships shall be separated therefrom, (such Township so separating for the purpose of this section to be considered a New Township) it shall be the duty of the Returning Officer for such New Township, at any Election of Councillors to be held in the same during the first year after it shall have been constituted, to procure a correct copy or copies of the Collector's Roll or Rolls for such Old Township or Townships for the year next before that in which such Election shall be holden, so far as any such Roll contains the names of Male Freeholders and Householders rated upon such Roll, in respect of rateable real property, lying in such New Township, with the amount of the assessed value of such real property for which they shall be respectively rated on any such Roll, and each such copy shall be verified by the affidavit or affirmation of the Collector or other person having the legal custody of the original Roll for the time being, and also by that of the Returning Officer, to be appended to or endorsed upon such copy, which affidavit or affirmation shall be taken respectively before any Justice of the Peace for the County, or other Officer having authority to administer an oath or affirmation for any purpose under the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and shall be to the effect that such copy is a true copy of such Roll as far as the same relates to such New Township, and to all Male Freeholders and Householders rated upon such Roll, in respect of rateable real property

How such
copy shall be
verified.

property lying in such New Township, with the amount of the assessed value of the real property for which they are so rated respectively ; and the persons qualified to be elected as Councillors for such New Township or to vote at the election of such Councillors shall be those and those only who shall appear by such Roll or Rolls to be rated in respect of real property lying in such New Township, and who shall be respectively qualified, by the nature, value and tenure of such real property, to be elected as Councillors, or to vote at elections of Councillors, as the case may be, under the provisions of the twenty-second section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, as amended by the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty-one. or by this Act.

Who shall be qualified to be elected Councillors of such new township, or to vote at such elections.

III. And be it enacted, That whenever any junior Township of any Union of Townships as provided for by the said Municipal Acts, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipal Council of the county in which such Township shall lie, by a By-law to be passed for that purpose within the first nine months of the year next following the making up of such Roll, to fix the place for holding the first election of Councillors for such Township, and to appoint a Returning Officer for holding the same, and otherwise to provide for the due holding of such election according to law on the first Monday in January of the year next but one following the making up of such Roll.

The County Council to make By-laws respecting the holding of the first election in any place about to become a new township.

IV. And be it enacted, That within three months after the first meeting of the Municipal Council of such former junior Township, such Municipal Council shall enter into an agreement with the Municipal Council of the Township or Union of Townships to which such junior Township was united, for the adjustment and settlement of the portion, if any, of any debt due by such Union of Townships before such separation, and which it may be just that such junior Township on its separation from such Union should take upon itself, with the time or times of payment thereof; and every such agreement so entered into shall both in law and equity be and continue to be binding upon such junior Township and the Township or Townships from which it shall be separated. Provided always, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt to be assumed by such junior Township, shall be settled by the award of three Arbitrators or the majority of them, to be appointed as follows, that is to say, one by the Municipal Council of such senior Township or Union of Townships, and the other by the Municipal Council of such junior Township, and the third by such two Arbitrators thus appointed : or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days

Council of such new township to enter into agreement with that of the senior township respecting debts of the former union.

Proviso for arbitration if the two Councils do not agree: Arbitrators how to be appointed.

Third Arbitrator.

Proviso: if either Council shall omit to appoint an Arbitrator within a certain time.

Proviso: Award to be subject to the Superior Courts of Law for U. C.

Proviso: Portion assumed by a junior township to be a debt due by it to the senior township.

Junior township to remain liable to the creditors of the former union.

Provisions of s. 18, 19 and 20 of 14 & 15 V. c. 109 to apply.

Majority of inhabitants of any Township may petition the Council there-

days next after their own appointment, then by the Warden of the County within which such Townships are situate. Provided also, secondly, that in case either such Municipal Council shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Warden of the County to appoint an Arbitrator on the part and behalf of such Municipal Council so neglecting or omitting to appoint such Arbitrator, who shall in such case have all the powers as if he had been appointed by such Municipal Council: And provided also, thirdly, that every such submission and award shall be subject to the jurisdiction of either of Her Majesty's Superior Courts of common law for Upper Canada, in like manner as if the same were by bond with an agreement therein that such submission might be made a Rule of either of those Courts. And provided also, fourthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such junior Township to the Township or Townships from which it shall have been disunited, and shall bear legal interest from the day on which the Union shall be actually dissolved, as by law provided, and its payment shall be provided for by the Municipal Council of such junior Township after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.

V. And be it enacted, That upon the dissolution of any such Union of Townships as aforesaid, such junior Township shall remain liable to all the debts and loans created or contracted by the Township or Union of Townships from which such junior Township shall have been separated, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of the amendments thereof, to the like extent and in the like manner as a junior County, on its separation from the County or Union of Counties with which it was united, remains liable to the similar debts and loans of such union; and all the several provisions of the eighteenth, nineteenth and twentieth sections of the Upper Canada Municipal Corporations law amendment Act of one thousand eight hundred and fifty-one, shall apply between such junior Township and the Township or Union of Townships from which it is separated, as between a junior County and the senior County or Counties from which it shall have been separated.

VI. And be it enacted, That it shall be lawful for a majority of the freeholders and householders of any Township or Union of Townships, for the year next previous to that in which the application shall be made, to apply by Petition in writing to the Municipality of such Township, praying that such Township or Union of

of Townships, if not then already divided into Rural Wards, may be so divided, or if such Township or Union of Townships be then so divided, then praying that such division into Rural Wards may be abolished, or that alterations to be specified in such Petition may be made in such division into Wards: And in every such case it shall be the duty of such Municipality to pass a By-law in the former case, dividing such Township or Union of Townships into Rural Wards in the manner prescribed in and by the fourth section, of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and in the latter case abolishing or altering pursuant to such Petition, the then existing division of such Township or Union of Townships into Wards: Provided always, nevertheless, firstly, that every such By-law made in pursuance of this section, shall contain a recital of the Petition on which it was founded, and of the same having been passed in compliance with the prayer of such Petition and the directions of this Section: And provided also, secondly, that every such By-law shall contain a clause limiting the same to take effect and come into operation on the First day of December next but one after the same shall have been passed, and in case of the proceedings being taken for dividing, abolishing, or altering the division into Wards, such By-law shall not be passed, nor such division, abolition or alteration take place, unless a majority of the freeholders and householders of such Township or Union of Townships entitled to vote at the General Annual Municipal Election for such Township or Union of Townships, at the General Annual Municipal Election for the same to be held for the year in which such By-law shall be so limited to take effect and come into operation, shall, in addition to all other votes given by them at such Election, vote for such dividing into Wards, or the abolishing of the dividing into Wards, or the altering of the same, as hereinafter provided: Provided also, thirdly, that it shall not be obligatory upon any such Municipality to pass any such By-law in compliance with such Petition, unless such Petition shall be signed by a majority of the freeholders and householders appearing on the Collector's Roll of such Township or Union of Townships for the year preceding that in which the same shall be presented: And provided also, fourthly, that such By-law need not be passed by a vote of four fifths of the Members for the time being of such Municipality, as required by the eighth section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, but by a majority thereof.

of to divide it into Wards, or: hat the division into Wards be abolished.

By-law to be made in such case.

Proviso: Certain facts to be recited in the By-law.

Proviso: By-law shall take effect only after a certain time, and provided the votes of the electors be given in its favor.

Proviso: Petition must be signed by a majority of electors on the roll.

Proviso: By-law may be passed by a mere majority of the Council.

VII. And be it enacted, That it shall be the duty of the Town Reeve of every such Township or Union of Townships, the Municipality of which shall have passed any such By-law as is mentioned in the next preceding section of this Act, to cause a certified Copy of such By-law to be delivered to the Returning Officer, or if such Township or Union of Townships shall be divided into Wards, then to each of the Returning Officers whose duty it shall be to hold the General Annual Municipal Elections for such Township or Union of Townships, for the year in which such By-law is so limited to take effect as aforesaid; And it shall thereupon be

How the votes of electors shall be taken upon such By-law.

be the duty of every such Returning Officer to insert appropriate columns in his Poll Books, headed: "For the division into Wards;" "For the alteration of the division into Wards," "Against the division into Wards;" "Against the alteration of the division into Wards;" "For the abolishing of Wards;" "Against the abolishing of Wards;" as may be necessary, and while the Poll for the election of Township Councillors shall remain open, according to law, to receive and record the votes of those entitled to vote for Township Councillors at such Election, for and against such project, as the same may be tendered to him in that behalf: Provided nevertheless, firstly, that when such By-law shall be for dividing such Township or Union of Townships into Wards, or for the alteration of the Division into Wards, it shall be the duty of every such Returning Officer to have fair copies of such By-law put up in at least four conspicuous places in and about the place where such Poll shall be held, so that the same may be open to the inspection of the public: And provided always, also, that in every such case, it shall be the duty of the Town Reeve of such Township or Union of Townships, within one month after his election, to examine the Returns of such Poll as respects the votes for and against such proposition, and to give public notice of the result, that such By-law will or will not take effect accordingly on the first day of December then following, according as he shall find that there was a majority of votes for or against such proposition.

Proviso: Fair copies of By-law to be posted up at the polling place, in certain cases.

Proviso: Town Reeve to ascertain the result of the votes, and to give notice that the By-law will or will not come into force accordingly.

Such By-law if adopted not to be altered except in the manner hereinbefore provided.

Additional powers to Township Municipalities.

Taxing particular portions of the Township for special purposes: Preliminary application and

VIII. And be it enacted, That after any such By-law as is referred to in the two next preceding sections, shall have taken effect in the manner therein provided, it shall not be in the power of the Municipality of such Township or Union of Townships to repeal or alter the same, except by a By-law to be passed upon a similar petition from a majority of the freeholders and householders whose names are on the Collector's Roll of such Township or Union of Townships, nor unless such proposed repeal or alteration shall be approved of by the votes of a majority of the Municipal Electors of such Township or Union of Townships at a general annual Municipal Election for the same, agreeably to the provisions of the said two sections hereinbefore provided with respect to such original By-law for dividing or abolishing of divisions into Wards respectively.

IX. And be it enacted, That in addition to the powers now possessed by the Municipalities of the several Townships in Upper Canada, they shall have the power and authority from time to time to make a By-law or By-laws for each, all and every of the following purposes, that is to say :

Firstly. For levying by assessment on all of the rateable property within a particular part or portion of the Township, to be described by metes and bounds in such By-law, in addition to all other taxes rated on such property, such sum of money as may be sufficient to defray the expense of constructing, improving or repairing any Road, Bridge, or other Public improvement within the portion of
the

the Township the limits of which are to be described as aforesaid; but no such By-law shall be passed unless upon an application in writing under the hands of at least two thirds of the resident Freeholders and Householders rated on the Assessment-Roll of such Township, representing in value at least one half of the rateable property within the limits to be affected by such By-law; and that a printed notice of such application, with the names of the signers thereto, describing the limits within which the By-law is to be in force, shall be given for at least one month, by putting up the same in four different places within such limits, and at the place for holding the sittings of the Township Council for such Township, whether it be within such limits or not, and also by inserting the same weekly, for at least four weeks in some newspaper published within the County.

notice required.

Secondly. For levying, collecting and appropriating a rate, to be assessed equally on the whole rateable property of such Township, for raising such moneys as may be considered necessary for the support of any indigent, infirm or helpless persons resident in such Township. But no By-law for such purpose shall be made or passed unless upon a written request to that effect signed by a majority of the Freeholders and Householders on the Assessment-Roll of the Township for the year in which such request shall be made, nor unless for at least one month previous to the passing of such By-law, printed copies of such request, with the names of the signers thereto, shall have been put up in at least four public places within such Township, and at the usual place for holding the meeting of the Township Municipality, and also by inserting the same weekly for at least four weeks in some newspaper published within the county.

Levying poor rates.

Preliminary application, and notice required.

Thirdly. For preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such township.

Preventing cruelty to animals on highways.

Fourthly. For settling and paying a rate at which the Township Councillors forming such Municipal Council, shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-law to be passed for that purpose after the year of our Lord, one thousand eight hundred and fifty-four, shall be valid unless the same shall, by the terms of it, be limited to take effect at the end of two whole years at least from the passing thereof, and not before.

Remuneration of Councillors.

Provido.

By-law not to take effect until after a certain time.

Fifthly. For granting authority to any Company now or hereafter to be incorporated for supplying any City or Town with water or gas, to lay down pipes or conduits for the conveyance of such water or gas under any of the highways of the Municipality, subject to such restrictions, limitations and regulations as to such Municipal Council may seem meet.

Granting requisite powers to gas and water Companies.

Sixthly,

Granting authority to Railway Companies to make Branches.

Sixthly. For granting authority to any Railway Company to make any branch Railway within the Municipality, which such Company may by law be authorized to make with the consent of the Municipality, and for authorizing such branch to be constructed upon any property of the Municipality, or upon any public highway within the same, under such conditions and limitations as to the Council of such Municipality may seem meet.

Sect. substituted for s. 22 of 12 V. c. 81.

Returning Officer for every Township or Rural Ward to procure copy of Collection Roll, &c.

X. And be it enacted, That the following section shall be substituted for the repealed twenty-second section as amended of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That it shall be the duty of the Returning Officer for every such Township or Rural Ward to procure a correct copy of the Collector's Roll for such Township or Ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male Freeholders and Householders rated upon such Roll, in respect of rateable real property lying in such Township or Ward, with the amount of the assessed value of the real property for which they shall be respectively rated on such Roll, which copy shall be verified by the affidavit or affirmation of such Collector, or of such other person as may have the legal custody of the original Roll for the time being, and also by that of such Returning Officer, to be appended to or endorsed upon such copy, and which affidavit or affirmation shall be taken respectively before any Justice of the Peace for the County, or other Officer having authority to administer an oath or affirmation for any purpose under this Act, and which affidavit or affirmation shall be to the effect, (but if made by a Returning Officer, may be so far varied as to state the same according to the best of his knowledge and belief,) that such copy is a true copy of such Roll, as far as the same relates to such Township or Ward, and that it contains the names of all male freeholders or householders rated upon such Roll in respect of rateable real property lying in such Township or Ward, with the amount of the assessed value of the real property for which they are so rated respectively; and no person shall be qualified to be elected a Township Councillor, at any such Election who shall not be a Freeholder or Householder of such Township at the time the assessment was taken, and at the time of such Election seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on such Collector's Roll, in the case of a freeholder to the amount of One Hundred Pounds or upwards, and in the case of a householder to the amount of Two Hundred Pounds or upwards; and the persons entitled to vote at such election shall be the Freeholders and Householders of such Township or Ward, whose names shall be entered on the said Roll as rated for rateable real property, held in their own right or that of their wives respectively, as proprietors or tenants thereof, and who at the time of such election shall be resident in such Township or Ward;

Certain persons only qualified to vote.

Ward; Provided always, nevertheless, firstly, that the occupant of a house built of logs whether hewn or unhewn, shall be considered a Householder within the meaning of this Act, in case he shall be rated therefor as a Householder upon such Collector's Roll as aforesaid. Provided also, secondly, that the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a Householder within the meaning of this Act, in case he shall in like manner be rated therefor as a Householder upon such Collector's Roll as aforesaid: Provided also, thirdly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section: And provided also, fourthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated, shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male Freeholder or Householder whose name shall appear on such Roll as one of the joint owners or occupants of such real property, shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated, shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then, none of such owners or occupants shall be deemed a person rated within the meaning of this section."

Proviso: as to Log-houses.

Proviso: as to houses having a separate street entrance.

Proviso: owner and occupant to be qualified if rated high enough.

Proviso: as to property held jointly.

XI. And whereas in some parts of Upper Canada Junior Townships, having more than fifty and less than one hundred resident freeholders and householders rated on the Assessment-Roll of such Junior Township, are so situated with reference to streams, water-courses or other natural obstructions, that the inhabitants thereof cannot conveniently unite with any adjoining Township for managing their Municipal affairs: Be it therefore enacted, That whenever a majority of at least two thirds of the freeholders and householders, rated on the Assessment-Roll, resident within any Junior Township in Upper Canada, having within it at least fifty resident freeholders and householders on such Roll, shall petition the Municipal Council of the County within which such Township is situate, stating their desire to be formed into a separate Municipality, it shall be lawful for such County Municipality, by any By-law to be passed for that purpose, to separate such Junior Township from any other Township to which it may be united, and to declare that such separation shall come into force and take effect from and after the first day of January next after the end of three calendar months from the passing of such By-law, and from the said first day of January after the passing of such By-law, such Township, and that to which it shall have been so united, shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships: And the Municipality of such County shall, by the same By-law, appoint the Returning Officer to hold the first election in such Township (Junior), and

Recital.

Upon a petition of a majority of the inhabitants of any Township having 50 electors, which cannot be conveniently united to another, the County Council may separate them.

County Council to appoint the Returning Officer at the

name

first election.
 Proviso: as to
 By-laws of
 the former
 union.

name therein the place at which it shall be held on the first Monday in January next after the passing of such By-law; Provided always, that the By-laws of the senior Township shall, in so far as they may be applicable in such junior Township, remain in force therein notwithstanding its becoming a separate Municipality, until they shall be respectively repealed or altered by the Municipal Council of such junior Township.

COUNTIES.

Parties in prison or under bail at the time of the dissolution of any unions, may be tried &c., in either county.

Act 12 V. c. 78.

XII. And be it enacted, That any person charged with any indictable offence, who at the time of the disuniting of any Junior County from any Senior County under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intitled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, or of any other Act of the Parliament of this Province, shall be imprisoned on such charge in the Gaol in such Senior County, or be under bail or recognizance to appear for trial at any Court in such Senior County, may be indicted, tried, sentenced and punished either in such Senior County or such Junior County, as to the Court before whom such person shall be tried shall seem meet.

Sect. substituted for s. 33 of 12 V. c. 81.
 Who shall constitute the County Council.
 Proviso: certificate to be filed by Reeves.

XIII. And be it enacted, That the following section shall be substituted for the repealed thirty-third section as amended of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Town Reeves and Deputy Town Reeves of the several Townships, Villages and Towns within each County, shall constitute the Municipal Council for such County: Provided always, nevertheless, firstly, that no Town Reeve shall be entitled to take his seat in such Municipal Council until he shall have filed with the Clerk of such Municipal Council a certificate under the hand and seal of the Town Clerk of the Township, Village or Town for which he shall be entitled to sit in such Municipal Council, of his having been duly elected and taken the oath of qualification and office as such Town Reeve: And provided also, secondly, that no Deputy Town Reeve shall be entitled to take his seat in such Municipal Council until he shall have filed a similar certificate with the Clerk of such Municipal Council, and also an affidavit or affirmation of the Collector or of such other person as shall have the legal custody of the Collector's Roll or Rolls of such Township, Village or Town for the previous year, and sworn or affirmed before some Justice of the Peace for the County, to the effect that such Roll or Rolls contains or contain the names of at least five hundred resident Freeholders and Householders in such Township, Village or Town as they appear upon such Roll or Rolls."

Proviso: and by Deputy Reeves: also affidavit of Collector, &c.

XIV. And be it enacted, That in addition to the powers now possessed by the Municipal Councils of Counties and Unions of Counties in Upper Canada, the Council of any such Municipality shall have power to make a By-law or By-laws for levying by assessment on all the rateable property within any particular parts or portions of two Townships, to be described by metes and bounds in such By-law, in addition to all other taxes rated on such property, such sum of money as shall be sufficient to defray the expense of making, maintaining, repairing or improving any Road, Bridge or other public work lying between such parts or portions of such two Townships, and by which the inhabitants of such parts or portions will be more especially benefited; but no such By-law shall be passed except upon the application in writing under the hands of at least two thirds or the resident rate-payers, representing at least one half in value of the rateable property within those parts or portions of such two Townships which are to be affected by such By-law: and that a printed notice of such application, with the names of the signers thereto, describing the limits within which such By-law is to be in force, shall be given for at least one month, by posting up such notice in four different places within such limits, and at the places for holding the sittings of the Township Council for each of the Townships interested, and also by inserting the same weekly for at least four weeks in some newspaper published in the County, if any there be, and if not, then in some newspaper published in some adjoining County.

County Council may levy Assessments on particular portions of the county for special purposes.

Preliminary application and notice required.

Notice to be given.

TOWNS AND CITIES.

XV. That the Common Council of each of the Cities, and the Town Councils of each of the Towns now or hereafter to be incorporated in Upper Canada, shall, in addition to the powers they now possess, have further power and authority to make By-laws for each of the following purposes:

Additional powers conferred on Cities and Town Councils.

Firstly. To fix an annual rent upon the drainage of any house, cellar, yard or land into any common sewer, and to charge the property so drained for the payment of such rent, during the time it shall be so drained into such sewer.

Rent for drainage.

Secondly. For raising, levying and appropriating at and upon the petition of two thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of the said Town or City, representing in value at least one half of the rateable property situate in such street, square, alley or lane, such sum or sums as may be necessary to defray the expense of lighting with gas, oil or other substances, such street, square, alley or lane, by means of a special rate, to be assessed equally on the whole rateable property in such street, square, alley or lane.

Assessing particular localities for special purposes.

Granting requisite powers to gas and water Companies.

Thirdly. For granting authority to any Company now or hereafter to be incorporated for the purpose of supplying water or gas for the use and convenience of the inhabitants of such City or Town, to lay down pipes or conduits for the conveyance of such water and gas under any of the streets or public squares of the Municipality, under such restrictions, limitations and regulations as to such Municipal Council may seem meet.

Subscribing for Stock in gas or water Companies, and raising money by rates or Debentures to pay for the same.

Fourthly. For subscribing for or purchasing any number of Shares in the Capital Stock of any Company incorporated for the purpose of supplying such City or Town with Water or Gas, or for lending any sum of money to such Company, or guaranteeing the payment of any sum of money borrowed by such Company from any Corporation or person, or for endorsing or guaranteeing the payment of the principal or interest of any Debenture to be issued by the Company for any money by them borrowed, or for assessing and levying from time to time upon the whole rateable property of the Municipality, a sufficient sum or sums to discharge the debt or engagement so contracted, or for issuing Debentures for the like purpose payable at such times and for such sums respectively not less than Twenty-Five Pounds currency, and bearing or not bearing interest, as such Corporation may think meet: Provided firstly that any such subscription for or purchase of Shares in such Company as aforesaid, may be made on behalf of the Municipality by any Municipal Officer or person thereunto authorized by any By-law, and that any such Debenture issued, endorsed or guaranteed under any such By-law as aforesaid, shall be valid and binding upon the Municipality, if signed or endorsed and countersigned by such Municipal Officer or person and in such manner and form as shall be directed by any By-law; Provided secondly, that no Municipal Corporation shall subscribe for or purchase stock of any such Company as aforesaid, or incur any debt or liability in respect of any such Company, unless and until a By-law authorizing such subscription or purchase, or the incurring of such debt or liability, shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified Municipal Electors of the Municipality, to be ascertained in such manner as shall be determined by a By-law to be made for that purpose, after public notice containing a copy of the proposed By-law or of every material provision thereof, inserted at least four times in each newspaper printed within the limits of the Municipality, (or if none be printed within the limits of the Municipality, then in some newspaper or newspapers printed in the neighbourhood of such Municipality and circulated therein,) and also posted up in at least four of the most public places in the Municipality; And provided thirdly, that the Mayor of any such Municipality as aforesaid, subscribing for and holding stock in any such Company, to the amount of Two Thousand Five Hundred Pounds, or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition

Proviso: form of subscription.

Proviso: By-law must be approved by electors.

Mayor of Municipality subscribing £2,500 to be a Director of the Company subscribed to.

addition to the other Directors thereof, and shall have the same rights, powers and duties as any of the Directors of the Company, and the Mayor for the time being shall also be allowed to vote on the shares owned by the said Municipality at any Election of Directors.

XVI. And be it enacted, That if the Taxes assessed in any year upon any male inhabitant of any City or incorporated Town or Village, of the age of twenty-one years and upwards, and not over sixty years of age, (and not otherwise exempted by law from performing statute labour, except by being rated on the Assessment-Roll of such City, Town or Village,) do not amount to ten shillings currency, he shall instead of such labour be taxed ten shillings yearly, to be levied and collected in the same manner as other local Taxes, to the use of the Corporation of the place.

Persons not taxed to a certain amount, to pay commutation for statute labour.

XVII. And be it enacted, That the following section shall be substituted for the repealed sixty-fifth section as amended of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That it shall be the duty of the Returning Officer for each Ward of every such incorporated Town, to procure a correct copy of the Collector's Roll for such Ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders and householders rated upon such Roll in respect of real property lying in such Ward, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collector's Rolls for Township Elections, as hereinbefore provided; and no person shall be qualified to be elected a Town Councillor at any such Election, who shall not be a freeholder or householder of such town, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on such Collector's Roll or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such Town for such next preceding year, in the case of a freeholder to the amount of Twenty Pounds per annum or upwards, and in the case of a householder to the amount of Forty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so rated, either in fee or freehold, or for a term of one year or upwards, situate within such Town; and the persons entitled to vote at such Election shall be the freeholders and householders of the Ward for which such Election shall be held, whose names shall be entered on the Collector's Roll thereof for such next preceding year as rated for rateable real property, held in their own names or that of their wives respectively, as proprietors or tenants thereof, to the amount of Five Pounds per annum or upwards, and who at the time of such Election shall be resident

Sect. substituted for s. 65 of 12 V. c. 81.

Returning Officers of Wards to procure copies of Collector's Rolls.

Who shall be qualified to be elected a Councillor.

Who shall be entitled to vote at the Election.

Proviso.

resident in such Town; and no person shall vote more than once at any such Election, and if resident in the Ward for which he was assessed shall vote in that Ward: Provided always, nevertheless, firstly, that it shall not be necessary that the property qualification of such Town Councillors or Voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient as above required: Provided also,

Proviso.

secondly, that the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, thirdly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section;

Proviso.

And provided also, fourthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case every male Freeholder or Householder whose name shall appear on such Roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this section."

Proviso: as to joint owners or occupiers.

Sect. substituted for s. 83 of 12 V. c. 81.

Election of Aldermen and Councillors in Cities: certain provision respecting Towns to apply.

XVIII. And be it enacted, That the following section shall be substituted for the repealed eighty-third section as amended of the Act first above cited, and shall be read as part of the said Act:

"And be it enacted, That for each Ward of every such City there shall be two Aldermen and two Councillors, to be elected as hereinbefore provided with respect to Town Councillors, which Aldermen and Councillors shall together constitute the Common Council of such City, and which City and the Mayor and Common Council thereof shall have and exercise all and singular the same rights, powers, privileges and jurisdiction in, over and with respect to such City and the liberties thereof, as are hereinbefore given, granted or conferred upon, or as shall, by virtue of this Act or otherwise, belong to incorporated Towns in Upper Canada, the Mayors, Councillors and Common Councils thereof, and all the rules, regulations, provisions and enactments contained in this Act, as applied to such incorporated Towns, the Mayors and the Councillors thereof, and their election, and those by whom such election is to be made, and to the Town Council thereof, either by way of reference to those provided for Incorporated Villages or otherwise, shall apply to each of the said Cities and the Mayor, Aldermen and Councillors thereof

thereof and their election, and to the Common Council thereof; Provided always, nevertheless, firstly, that the Mayor of every such City shall be elected by the Aldermen and Councillors of such City from among the Aldermen thereof; And provided also, secondly, that no person shall be qualified to be elected an Alderman for any Ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on the Collector's Roll of the Ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such City for the year next preceding his election, in the case of a freeholder to the amount of Forty Pounds per annum or upwards, and in the case of a householder to the amount of Eighty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof. And provided also, thirdly, that no person shall be qualified to be elected a Councillor for any Ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated in his name on the Collector's Roll of the Ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other Wards of such City, for the year next preceding his election, in the case of a freeholder to the amount of Twenty Pounds per annum or upwards, and in the case of a householder to the amount of Forty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards situate within such City or the liberties thereof. And provided also, fourthly, That the persons entitled to vote at the elections of such Aldermen and Councillors, shall be the freeholders and householders of the Ward for which such election shall be held, whose name shall be entered on the Collector's Roll thereof for such next preceding year, as rated for rateable real property held in their own names or that of their wives respectively, as proprietors or tenants thereof, to the amount of Seven Pounds Ten Shillings per annum or upwards, and who at the time of such election shall be resident in such City or the liberties of the same; but no person shall vote at more than one Ward in such City, and if assessed in the Ward in which he resides, shall vote only at the election for that Ward."

Proviso: as to Mayor.

Proviso: qualification of Aldermen.

Proviso: qualification of Councillors.

Proviso: qualification of Voters.

XIX. And be it enacted, That the following section shall be substituted for the repealed eighty-fourth section as amended of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That whenever any of the said Towns incorporated or to be incorporated as aforesaid, shall be found

Sect. substituted for s. 84 of 12 V. c. 81.

Erection of Towns having by

more than
10,000 inha-
bitants into
Cities.

Proclamation,
Boundaries.

Division into
Wards.

Proviso:
re-division
when cir-
cumstances
may require
it.

Proclamation,
and its effect.

Proviso: parts
of adjacent
Townships
may be in-
cluded.

by the census returns to contain more than ten thousand inhabitants, then, on petition from the Town Council of such Town, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, erecting such Town into a City, declaring the name of such City, setting forth the boundaries of the same and of the liberties thereof respectively, with the portions of the liberties to be attached to each of such Wards respectively, and including within such boundaries any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein or the probable future exigencies of such City, it may appear desirable in the opinion of the Governor in Council should be attached to such City or the liberties thereof; and to make new divisions of such City into Wards, in like manner as is provided in the case of the said Towns; and the first Election in such place as a City shall take place on the first Monday of the month of January next after the end of three calendar months from the teste of such Proclamation. Provided always nevertheless, that when and so often as it shall be deemed desirable for the greater convenience of the citizens of any of the Cities incorporated or to be incorporated as aforesaid, that the area forming such City and the liberties thereof, (either with any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein or the probable future exigencies of such City, it may appear desirable should be attached to such City or the liberties thereof, or without such portion of such Township or Townships) or any part thereof, should be re-divided into wards, and the expediency of such re-division shall have been affirmed by a majority of the Common Council of such City consisting of at least two thirds of the members thereof, in the month of February in two successive years, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal thereof, re-dividing such City or such part of such City into wards, with liberties attached to such wards respectively, as to him shall seem expedient. And on, from and after the first day of January next after the end of three calendar months from the teste of such Proclamation, such re-division shall take effect to all intents and purposes, as if such had been the original division of such City into Wards, or of the part thereof so re-divided, in and by Act of Parliament or Proclamation in the first instance. And provided also, secondly, that in every such re-division, it shall and may be lawful, in and by such Proclamation, to include within the boundaries of such City or the liberties thereof, any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of such City, it may appear desirable, in the opinion of the Governor in Council, should be attached to such city or the liberties thereof."

XX. And be it enacted, That the following section shall be substituted for the repealed ninety-fourth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the said Recorder's Court shall hold four Sessions in each year, which Sessions shall commence on the first Monday in the months of January, April, July and November in each year."

Sect. substituted for s. 94 of 12 V. c. 81.

Sessions of Recorder's Court.

XXI. And be it enacted, That the following section shall be substituted for the repealed one hundred and third section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Clerks of the Common Councils of the said Cities, or such other persons as the Corporations of such Cities shall appoint for that purpose, shall be Clerks of the Recorder's Courts, and perform the same duties and receive the same emoluments as now appertain to the Clerks of the Peace in Upper Canada."

Sect. substituted for s. 103 of 12 V. c. 81.

City Clerks to be Clerks of Recorder's Courts, &c.

MISCELLANEOUS.

XXII. And be it enacted, That the following section shall be substituted for the repealed one hundred and ninth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Head of every such Municipal Corporation as aforesaid, and the Town Reeve of every Town and the Deputy Town Reeve of every Township and Town, shall *ex officio* be Justices of the Peace in and for the County within or on the borders of which the Township, Village, Town or City, to which they shall respectively belong, shall be situate, and shall have within every such County, as well as within the limits of the Jurisdiction of the Municipal Corporation over which such person presides, or to which they shall respectively belong, all and singular the powers and jurisdiction as well civil as criminal which belong to the office of Justice of the Peace."

Sect. substituted for s. 109 of 12 V. c. 81. Heads of Municipalities and Reeves and Deputy Reeves to be Justices of the Peace.

XXIII. And be it enacted, That the following section shall be substituted for the repealed one hundred and fifteenth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That it shall and may be lawful for the Governor of this Province by any Order in Council, made upon the petition of the Municipal Corporation of any Town or Village, by Proclamation under the Great Seal of the Province, to add to the boundaries of such Town or Village, and to make a new division of the Wards of any such Town, and to alter the boundaries and number of such Wards, but so that there be not less than three Wards therein, and that no Ward shall by such division contain less than the number of inhabitants contained in the least populous Ward of such Town by the first Census taken after the first erection of such Town; and the first election, under such enlargement or new division of such Town or Village, shall take place on the first Monday of January next after

New sect. substituted for s. 115 of 12 V. c. 81.

Governor in Council may extend limits of a town or Village, or make a new division thereof into Wards.

after the end of three calendar months from the teste of such Proclamation.”

New sect. substituted for s. 128 of 12 V. c. 81.

As to the swearing (or affirming) in of the Head of any Municipal Corporation.

XXIV. And be it enacted, That the following clause shall be substituted for the repealed one hundred and twenty-eighth section of the Act first above cited, and shall be read as part of the said Act: “And be it enacted, That the Head of every Municipal Corporation, erected or to be erected under the authority of this Act, shall be sworn or affirmed into office by the Highest Court of Law or Equity, whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or other Justice or Judge of such Court at his Chambers, or if there be no such Court, Justice or Judge within the limits or at the place of meeting of such Corporation at the time, then before the Recorder or Police Magistrate or Mayor, (in case he shall not be the person to be sworn in) of such City or Town, or any Justice of the Peace of the County or Town in or over which such Corporation shall have jurisdiction, or in the case of Townships and Villages, by any Justice of the Peace for the County in which such Township or Village shall be situate, or in case there shall be no such Court, Justice, Judge or Justice of the Peace within such limits at the time, then before the Clerk of such Municipal Corporation, in the presence of a meeting of such Corporation, which several Courts, Justices, Judges, Recorders and Police Magistrates, Mayors, Justices of the Peace, and Clerks, are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary Certificate of the same having been duly taken and subscribed.”

New sect. substituted for s. 132 of 12 V. c. 81.

Certain persons disqualified to be Aldermen or Councillors.

XXV. And be it enacted, That the following clause shall be substituted for the repealed one hundred and thirty-second section of the Act first above cited as amended, and shall be read as part of the said Act: “And be it enacted, That no Judge of any Court of civil jurisdiction, no Naval or Military Officer on full pay, and no person receiving any allowance from the Township, County, Village, Town or City, (except in the capacity of Town Reeve or Deputy Town Reeve, or Township Councillor, or in capacities incident thereto,) and no person having by himself or partner any interest or share in any contract with or on behalf of the Township, County, Village, Town or City in which he shall reside, shall be qualified to be or be elected Alderman or Councillor for the same or for any Ward therein.”

Sect. substituted for s. 135 of 12 V. c. 81.

Qualification of Justices of the Peace.

XXVI. And be it enacted, That the following section shall be substituted for the repealed one hundred and thirty-fifth section of the Act first above cited, and shall be read as part of the said Act: “And be it enacted, That each and every Justice of the Peace for any of the said Towns, shall be qualified in the same amount of property, and shall take the same oaths as are required

required of other Justices of the Peace. But no Warden of any County, Mayor, Recorder, Police Magistrate, or Alderman of any City, Mayor or Police Magistrate, Reeve or Deputy Reeve of any Town, Town Reeve, or Deputy Town Reeve of any Township or Village, shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required of him than his oath of office as such Warden, Mayor, Recorder, Police Magistrate, Alderman, Town Reeve or Deputy Town Reeve, and the oath of qualification for such office; any law to the contrary notwithstanding.”

Exception as to Heads of Municipalities, Recorders, &c.

XXVII. And be it enacted, That the following section shall be substituted for the repealed one hundred and forty-sixth section as amended of the Act first above cited, and shall be read as part of the said Act: “And be it enacted, That at the instance of any Relator having an interest as a Municipal Voter in or for any Township or Village, or in or for any Ward of any Township, Town or City, for which any election shall be held under the authority of this Act, or having such interest as a candidate at such election, a Writ of Summons in the nature of a *quo warranto* shall lie to try the validity of such election, and also where it shall be alleged by such Relator that himself or some other person was duly elected and ought to have been returned at such election, then to try as well the validity of the election complained against as the validity of the alleged election of such Relator or other person, both which objects shall be embraced in the same Writ, which Writ shall issue out of either of Her Majesty’s Superior Courts of Common Law at Toronto, upon an Order of such Court in term time, or upon the Fiat of a Judge of either of such Courts or of the Judge of the County Court having jurisdiction over the Municipality within which such election shall have taken place in vacation, upon such Relator shewing upon affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to Law, or that the party elected or returned thereat, was not duly or legally elected or returned, and upon such Relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner for taking bail in either of such Courts himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit by such Court or Judge, or Judge of the County Court as aforesaid, in the sum of twenty-five pounds each, conditioned to prosecute with effect the Writ to be issued upon such Order or Fiat, or to pay to the party against whom the same shall be brought, his executors or administrators, all such costs as shall be adjudged to such party against him the said Relator, thereupon such Writ shall be issued accordingly out of the office of the Clerk of the Crown and Pleas of each of said Superior Courts of Common Law at Toronto, and out of the offices of their Deputies in the several Counties in Upper Canada, who shall be provided with such Writs for that purpose; and the

Sect. substituted for s. 146 of 12 V. c. 81.

Application to the Courts at Toronto for Writ in the nature of a *quo warranto* to try validity of any Municipal Election; and proceedings upon such Writ.

Security to be given by Relator for costs.

said

Return of
Writ: and
proceedings
thereupon,

said Writ shall be returnable upon the eighth day (as on Friday where service shall have been made on the Thursday of the preceding week,) or such further day to be named in the said Writ, and which shall not be less than eight days after that on which it shall be served on such party by the delivery of a copy thereof to him personally or in the manner hereinafter provided for, before some one of the Judges of either of the said Courts at Chambers or before the Judge of such County Court at a place to be mentioned in the said Writ, any one of which Judges shall have power, upon proof by Affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer and without formal pleadings, to hear and determine the validity of the Election complained against, and where the sufficiency or legality of such other Election shall have been so alleged as aforesaid, then the validity of such last mentioned Election, and in case of such first mentioned Election being adjudged invalid and such last mentioned Election being adjudged valid, then by a Writ adapted to that purpose to cause the person returned upon such invalid Election to be removed, and the person lawfully elected and who ought to have been returned to be admitted in his place, and in case of neither of such alleged Elections being adjudged valid, then by a like Writ to cause the person returned upon such invalid Election to be removed and a new Election to be held to supply the vacancy thus created, in all which cases it shall and may be lawful for such Judge, whether of the County or Superior Courts as aforesaid, if the facts in evidence before him render it proper so to do, to make the Returning Officer at such Election a party to such proceedings by a Writ of Summons to be served upon him for that purpose in the same manner as the Writ of Summons hereinbefore mentioned; and it shall and may be lawful for such Judge, and he is hereby required in disposing of every such case, to award costs for or against the Relator or Defendant upon such Writ, or for or against the Returning Officer when he shall be so made a party to such proceedings as aforesaid, as to such Judge shall seem just; Provided always, nevertheless, firstly, that all Elections of Mayors, Wardens, Town Reeves and Deputy Town Reeves shall be deemed Elections within the meaning of this section; And provided also, secondly, that whenever the grounds of objection against any such Election shall apply equally to all or any number of the Members of any such Municipal Corporation, it shall and may be lawful for the Relator to proceed by one Writ of Summons against all such Members; and in case of the Elections of all the Members of any such Municipal Corporation being adjudged invalid, the Writ for the removal of the Members so adjudged to have been illegally elected and returned and the admission of those so adjudged to have been legally elected, shall be directed to the Sheriff of the County or Union of Counties within the limits of which the locality in or over which such Municipal Corporation shall be established shall be

Hearing of the
case, &c.

Execution of
the decision.
Awarding
costs.

Proviso.

Proviso: pro-
ceedings may
relate to any
number of
persons whose
cases are
identical.

Direction to
the Sheriff to
hold new elec-
tions in such
case.

be

be situate, who for the purpose of causing an Election to be held under the authority of this Act, shall have all the powers and authority hereby conferred upon Municipal Corporations for supplying such vacancies as are occasioned by death; And provided also, thirdly, that all such original Writs of Summons shall be applied for within six weeks after the Election complained against, or within one month after the person whose Election is questioned shall have accepted the office, and not afterwards; And provided also, fourthly, that no costs shall be awarded against any person against whom any such Writ of Summons in the nature of a *quo warranto* shall be brought, who shall within one week after having been served with such writ, transmit postpaid through the Post Office, directed to the Clerk of Judges' Chambers, at Osgoode Hall, Toronto, when such writ shall be returnable there, or to the Judge of the County Court when it is made returnable before such Judge, a Disclaimer of the Office in the terms or to the effect following, that is to say: "I, A. B., upon whom a Writ of Summons in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the Office of Township Councillor (or as the case may be) for the Township of _____ in the County of _____ (or as the case may be) do hereby disclaim the said Office and all defence of any right I may have to the same," unless it shall have been proved to the satisfaction of such Court or Judge, that such person had been a consenting party to being put in nomination as candidate for such Election, in which latter case such costs shall be in the discretion of such Court or Judge. And provided also, fifthly, that it shall be the duty of every such last mentioned person to deliver a duplicate of such Disclaimer to the Clerk of the Municipal Corporation the seat in which shall be contested, who shall forthwith communicate the same to the other Members of such Municipal Corporation; And provided also, sixthly, that in any such case, it shall be lawful for the Judge before whom such Writ of Summons is returnable, to afford reasonable time and opportunity for the said Municipal Corporation, or to any person entitled as a Municipal voter of such Corporation, to intervene and defend the said Election and return, in every which case such intervening party shall be liable and entitled to costs as any other party to such proceeding."

Proviso: limitation of time for disputing Elections.

Proviso: No costs allowed against persons at once disclaiming the disputed office.

Proviso: disclaimer to be sent to corporation.

Proviso: time to be allowed for corporation, &c., to defend the Election.

XXVIII. And be it enacted, That the following section shall be substituted for the repealed one hundred and forty-seventh section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That on the first day on which the Court out of which such Writ shall issue, shall sit after such judgment shall be given by any such Judge, whether of either of the said Superior Courts or of the County Court as aforesaid, whether such day shall be in the same or the following term, the said Judge shall deliver or cause to be delivered such Writ and judgment with all things had before him

Sect. substituted for s. 147 of 12 V. c. 81.

Writ and judgment to be filed among records of the Court.

him touching the same into such Court, there to remain of record as a judgment of the said Court, as other judgments rendered therein, and such judgment shall thereupon be enforced by peremptory *Mandamus* and by such Writs of Execution for the costs awarded by such judgment, as occasion shall or may require."

Sect. substituted for s. 150 of 12 V. c. 81.

Judge may cause Poll Books, Rolls, &c., to be brought before him.

Mode of taking evidence.

Issues may be framed and tried.

XXIX. And be it enacted, That the following section shall be substituted for the repealed one hundred and fiftieth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That it shall be lawful for every such Judge to cause the Collector's Rolls, Poll Books and any other Records of such Election to be brought before him by Certiorari; and upon the trial of the validity of such Election upon any such Writ, such Judge shall enquire into the facts to be established, by personal evidence either by affidavit or affirmation, or by oral testimony taken before him as at *nisi prius*, or at the sittings for Trials of the County Court, or by issues to be framed by him for that purpose, and to be sent to be tried by Jury by Writ of Trial to be directed to such Court of Civil Jurisdiction as shall be named by such Judge for that purpose, or by one or more of those methods of inquiry as such Judge shall deem the ends of justice to require."

New sect. substituted for s. 168 of 12 V. c. 81.

Quorum of Councils of Municipalities, &c.

Majority to decide.

Casting vote. Proviso: a certain proportion of votes required to carry every question.

XXX. And be it enacted, That the following section shall be substituted for the repealed one hundred and sixty-eighth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That at any session or meeting of any Municipal Corporation under this Act, a majority of the whole number of those who shall by law form such Corporation, shall be a quorum for the dispatch of business; and if the person who ought to preside at any such meeting shall be absent, it shall and may be lawful for those present to appoint from amongst themselves a Chairman to preside at such meeting, and the Chairman so appointed shall have the same functions and authority in presiding at such meeting as the person who, if present, would preside at such meeting; and all votes, resolutions and proceedings of such meetings shall be carried by the majority of votes of the persons composing such meeting, other than the person presiding, who, in case of an equality of votes, shall have the casting vote: Provided always, that the concurrent votes of at least three Members of any Municipal Corporation shall be necessary to carry a vote, resolution or proceeding at any meeting of such Corporation, where the whole number of Members constituting such Corporation shall be five, and the person presiding at such meeting shall always be allowed to vote when any of the five Members constituting the Corporation shall be absent, but shall not then be entitled to a double or casting vote."

Sect. substituted for

XXXI. And be it enacted, That the following section shall be substituted for the repealed one hundred and eighty-fifth section

section of the Act first above cited, and shall be read as part of the said Act : " And be it enacted, That all persons committing any offence against any By-law lawfully made by any Municipal Corporation, under the authority of this Act or of any other Act of the Legislature of this Province passed or hereafter to be passed, and with regard to prosecutions for which no other provision is made, may be prosecuted in a summary way before any one or more Justices of the Peace having jurisdiction within the locality in which the offender shall be resident, or within that in which the offence was committed, and such Justice or Justices or other authority before whom any conviction for any such offence shall be had (and any such offender may be convicted on the oath or affirmation of any competent witness other than the prosecutor or informer) shall have full power and authority to award the penalty or the imprisonment, as the case may be, imposed by the By-law under which the conviction shall be had, with the costs of prosecution, against the offender, and to commit the offender to the Common Gaol if the offence be punishable by imprisonment, and to cause the penalty to be levied with costs if not forthwith paid, by distress and sale of the goods and chattels of the offender, by Warrant under the hand and seal of such Justices or one of them, or of the Chairman or Presiding Officer of the Court before whom such conviction was had ; and one moiety of any such pecuniary penalty shall go to the informer or prosecutor, and the other moiety shall be paid to the Treasurer or Chamberlain of the Corporation against the By-law whereof the offence shall have been committed, and shall form part of the funds at the disposal of such Corporation : Provided always, firstly, that any such prosecution may be brought in the name and on the behalf of such Corporation as aforesaid, and in that case the whole of such pecuniary penalty shall be paid to the Treasurer or Chamberlain of such Corporation, and form part of such fund as aforesaid ; And provided also, secondly, that any member of the Municipal Corporation under the By-law whereof any such prosecution as aforesaid shall be brought, being *ex officio* or otherwise a Justice of the Peace within such locality, may act as such with regard to such prosecution."

s. 185 of 12 V. c. 81.

Mode of prosecuting offences against By-laws, where no other is provided.

Application of penalty.

Proviso.

Proviso.

XXXII. And be it enacted, That the following section shall be substituted for the repealed one hundred and eighty-eighth section of the Act first above cited, and shall be read as part of the said Act : " And be it enacted, That on the alteration of any Road under the authority of this Act, where the Road thus altered shall not have been an original allowance for Road, or where the same shall lie within any Incorporated Village, Town or City or the liberties thereof, the site of such old Road shall and may be sold and conveyed by the Municipal Corporation under whose authority the alteration was made, to the party or parties next adjoining to whose land or lands the same shall have run, or in case of his, her or their refusal to become

Sect. substituted for s. 188 of 12 V. c. 81.

Site of old Road not being an original Road allowance, how to be disposed of, when the place of the Road is altered by By-law.

Proviso: certain parties to have the preference to purchase it, &c.

Persons having given lands for roads.

Conveyance to purchaser.

New sect. substituted for s. 195 of 12 V. c. 81.

As to compensation to parties whose property any new thoroughfare to be opened is to pass through or to affect injuriously.

Arbitration; and appointment of Arbitrators by the parties.

Third Arbitrator.

become the purchaser or purchasers thereof, at such price or prices respectively as such Municipal Corporation shall think reasonable, then to any other person or persons whomsoever: Provided always, nevertheless, that it shall not be lawful for any such Municipal Corporation to sell and convey any such old Road or any part thereof to any other than the person or persons first mentioned at any given price, until such first mentioned person or persons shall have refused to become the purchaser or purchasers thereof at such price; and in case the person or persons now in possession of any concession Road or side line may have laid out streets in any City, Town or Village without any compensation therefor, he or they shall be entitled to retain the land within such City, Town or Village, originally set apart for such concession Road or side line, in lieu of the street set apart by him in place of the said Concession Road or side line; and the Municipal Corporation of such City, Town or Village may convey such land so retained in fee to the person or persons so entitled to retain possession, or to his or their heirs and assigns for ever."

XXXIII. And be it enacted, That the following clause shall be substituted for the repealed one hundred and ninety-fifth section of the Act first above cited, as amended, and shall be read as part of the said Act: "And be it enacted, That upon the passing of any By-law by any Municipal Corporation erected or to be erected under the authority of this Act, for the purpose of authorizing the opening of any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare, so as to cause the same or any part thereof to go through or be placed upon or injuriously to affect the land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property, to name an Arbitrator and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall, within seven days after such notice, name an Arbitrator on behalf of such Corporation and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, or if within one calendar month after service of a copy of such By-law, certified to be a true copy under the hand of the Clerk of such Corporation on the person or persons owning such property, such person or persons shall omit to name an Arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the Head of such Corporation to name an Arbitrator on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within seven days after such notice name an Arbitrator on his or their behalf, and upon such two Arbitrators being so named as aforesaid, they shall within seven days thereafter appoint a third Arbitrator, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages, if any, to be paid to such

such person or persons as aforesaid, and their award shall be binding on such person or persons and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid: Provided always, That if any such owner or occupier shall neglect to name an Arbitrator for the space of seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of seven days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of seven days after his appointment, to take upon him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court to nominate any disinterested competent person or persons, from any Township other than the Township in which such land shall be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid, and any award made by a majority of the said Arbitrators, shall be as binding as if the three Arbitrators had concurred in and made the same: And provided also, secondly, That every such submission and award shall be subject to the jurisdiction of Her Majesty's Superior Courts of Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties containing an agreement that such submission should be made a rule of either of such Courts."

Proviso: If any party neglect to appoint an Arbitrator.

Award of majority to be good.

Proviso: Awards to be subject to Superior Courts of Law for U. C.

XXXIV. And be it enacted, That the following section shall be substituted for the repealed two hundred and fourth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That each of the Towns mentioned in the second division of the said Schedule marked D, shall be and continue a part of the Township or Townships within which the same shall be respectively situate, and shall be and continue subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, as if the same was an unincorporated Village or Hamlet; and that when by the Census returns, it shall appear that any of such last mentioned Towns and any portion of a Township or Townships which may conveniently be attached to such Town, shall together contain one thousand inhabitants or upwards, it shall and may be lawful for any number of the resident Freeholders or Householdors of such Town, not less than one hundred, to petition the Governor of this Province that the inhabitants of such Town may be incorporated, and upon such petition it shall be lawful for the Governor of the Province, by an Order in Council, to issue a Proclamation under the Great Seal of the

Sect. substituted for s. 204 of 12 V. c. 81.

Each of the Towns in second division of schedule D. to remain part of the Township in which it lies: but may become incorporated when containing the requisite population, on petition to the Governor, and Proclamation, &c.

Province, setting forth the boundaries of such Town, and including within such boundaries any such portion or portions of the said adjacent Township or Townships as may conveniently be attached to such Town as aforesaid; and the inhabitants of such Town as embraced within such new and extended boundaries, shall on, from and after the first day of January next after the end of three calendar months from the teste of such Proclamation, be incorporated apart from the Township or Townships in which it is situate, and shall no longer be subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, and as such Corporation shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of any incorporated Village, and the powers of the Corporation of such Town shall be exercised by, through and in the name of the Municipality of such Town; and all the provisions of this Act and of all other Acts hereafter to be passed applicable to incorporated Villages in general, and the Municipalities thereof, shall apply to such Town and the Municipality thereof as if the same were mentioned in the Schedule to this Act marked A."

Councils of Cities, Towns and Villages to have authority to cause any Common Sewer to be made through any lands.

XXXV. And be it enacted, That the Municipal Corporation of any incorporated Village, Town or City, shall have full power and authority to cause any Common Sewer or Drain which they may consider necessary for the health, cleanliness or convenience of the Inhabitants of such Village, Town or City, or of any part thereof, to be opened, made and kept in repair, and for that purpose to take without the consent of the owner, and without such consent to enter upon, trench, and break up, any land or property which they might without such consent take for opening a new street, and to lay upon such land all materials and implements and perform all such work as may be necessary for opening, making or keeping in repair any such Common Sewer or Drain as aforesaid, or any part thereof: Provided always, that upon the passing of any By-law by any such Municipal Corporation authorizing the opening, making or repairing of any such Common Sewer or Drain, so as to cause the same to go through or be placed upon, or to render it necessary that the said Municipal Corporation should take, enter upon, or use the land or other real property of any person or persons, it shall and may be lawful for the person or persons who own such property to name an Arbitrator and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall within three days after such notice name an Arbitrator on behalf of such Corporation, and give notice thereof to the person or persons owning the said property, and appointing such Arbitrator as aforesaid, and every such notice shall express clearly what powers the said Corporation intend to exercise in respect to the land or real property (describing it) of the person or persons to whom it is addressed; and the two
Arbitrators

Proviso: mode of settling compensation (by arbitration) to be paid to the owner of the lands.

Arbitrators shall within three days thereafter appoint a third Arbitrator, and the said three Arbitrators or a majority of them shall have power to determine upon and award the amount of damages (if any) to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons and on the said Corporation respectively, so as such award be made within one calendar month after the appointment of the third Arbitrator as aforesaid: Provided always nevertheless, firstly, that every such submission and award shall be subject to the jurisdiction of the Superior Courts of Common Law at Toronto, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by bond between the parties containing an agreement that such submission should be made a Rule of Court: And provided also, secondly, that such award shall cover only such damages (if any) as must, in the opinion of the Arbitrators making the same, necessarily result to the owner or owners of the lands in question, from the exercise by the Corporation of the powers mentioned in the notice given to such owner or owners as aforesaid, and the Arbitrators may if they think proper, define and describe the nature of the damage which must in their opinion necessarily result from the exercise of such powers, or may reserve the right of such owner or owners for any further damage of any kind to be mentioned in such award, or may in any other way which they may think conducive to justice, define the damages intended to be covered by the award, or those for which (should they occur) the said owner or owners will be entitled to recover further damages; and if any damage not covered by such award should thereafter be suffered by the owner or owners of such property, or by the finding of the Jury as hereinafter provided, whether by reason of the exercise by the Corporation of the powers which in such notice as aforesaid they shall have declared their intention to exercise, or of any further power, such owner or owners shall be entitled to recover the amount of such damages from the said Corporation, notwithstanding the payment of the sum awarded by the said Arbitrators, or found by such Jury: And provided also, thirdly, that if the Head of such Corporation shall neglect to appoint an Arbitrator for the Corporation within such time as aforesaid, or the said two first mentioned Arbitrators shall be unable to agree or shall not agree upon and appoint a third as aforesaid, or the said three Arbitrators or the majority of them shall be unable to agree or shall not agree upon an award within the time aforesaid, then and in every such case it shall be lawful for such person or persons so interested as aforesaid, to institute a special action on the case at law against the Municipal Corporation by which such By-law shall have been passed, and such action shall be sustainable whether any entry shall be made under such By-law or not, or whether any use shall be made of such property under such By-law or not, and if no such entry or use other than for the purposes of survey shall

Award.

Proviso:
Award to be subject to Superior Courts of Law.

Proviso:
What damages shall be covered by the award.

Any further damages may be recovered.

Proviso: action may be brought by owner, in case of failure of appointment of arbitrator or third arbitrator, &c.

Corporation may repeal By-law, &c. during a certain time and pay costs only.

Jury may determine (like the arbitrators) what damages the sum awarded shall cover.

Corporations, tenants in tail, trustees, &c., may convey any property to Municipalities, which could be taken without consent of owner, or may be served with notices, &c., in respect thereof.

be proved at the trial of such action, then the Judge who shall try the same shall certify the want of such proof upon the record, and in such case it shall and may be lawful for such Municipal Corporation, at any time after such trial, and until four calendar months after the rendering of judgment upon such verdict, to repeal such By-law, or so much thereof as relates to or affects the property in question, and to withdraw the notice given to the owner or owners thereof, and to tender and pay to the Plaintiff in such action or to the Plaintiff's Attorney the taxed costs of the said Plaintiff in such action, and from or after such tender or payment the Municipal Corporation against whom such action shall be brought shall be discharged from the damages which shall be assessed in such action, and the land or other real property aforesaid shall be and remain as if no such By-law had been passed, and no entry or other use of such land or other real property for the purposes of such first mentioned By-law, shall be lawful after the assessment of such damages by the Jury, until the amount of the damages assessed and the costs of the Plaintiff in such action shall have been levied by the Sheriff or paid or discharged or lawfully tendered to the Plaintiff or the Attorney for the Plaintiff in such action : and the Jury trying any such case may give a special verdict defining the damages which such verdict shall or shall not cover, as hereinbefore provided with respect to the award of Arbitrators, and in such manner as they shall deem most conducive to justice as regard both parties to the action.

XXXVI. And be it enacted, That it shall be lawful for all Corporations and persons whatsoever, tenants in tail or for a life or lives, guardians, committees and trustees, not only for and on behalf of themselves their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, fernes covert, or other persons who shall be seized, possessed of or entitled to or interested in any lands or real property which under the next preceding Sections, or any provision or enactment of the Upper Canada Municipal Corporation Acts, or any of them, may be taken by any Municipal Corporation without the consent of the owner thereof, to contract for, sell and convey to such Municipal Corporation such land or real property or any part thereof, or to agree with such Corporation for the sum to be paid for the damages arising from the exercise of any power by such Municipal Corporation in respect of such land or real property which could be exercised by such Corporation in respect of the same without the consent of the owner thereof, or to be validly served with any notice from such Municipal Corporation in respect of the taking of such land or other property, or the exercise of any such power as aforesaid in respect of the same under any By-law, and to appoint any arbitrator who ought to be appointed, or to bring any action which may lawfully be brought, in respect of such land or real property and in consequence of such By-law or Notice ; and if in any case there be no person who can act

as aforesaid in respect of any such land or other real property, then it shall be lawful for the Judge of the County Court for the County in which such land or property is situate, to appoint a person to act in respect of the same, under this section, on the application of the Municipal Corporation: and any contract, agreement, sale, conveyance, assurance or appointment to be made, and any thing done in any such action under the provisions of this Section shall be valid and effectual in law to all intents and purposes whatsoever, and any Corporation or person acting under the authority of this Section, is hereby indemnified for what he or it shall do in pursuance thereof; Provided always, that in any such case as aforesaid, when the party conveying such land or other real property, or appointing such Arbitrator, or bringing such action as aforesaid, has not the absolute estate in such land or other real property, the sum agreed upon or awarded to be paid for the same or for any damages thereto, shall not be paid to such party, but the interest thereof only at six per cent per annum shall be so paid, and the principal shall remain in the hands of the Municipal Corporation, to be paid to the party entitled to the absolute estate in such lands or real property whenever such party shall claim the same and execute a valid acquittance therefor, unless such Municipal Corporation shall in the meantime be directed by the Court of Chancery, or other Court having equitable jurisdiction in such cases, to pay over the same to any party, which direction such Municipal Corporation shall obey; and such Municipal Corporation shall not be bound to see to the application of any interest paid as aforesaid or of any sum paid under the direction of the Court of Chancery or other Court as aforesaid; Provided always, that all sums of money agreed upon or awarded under the two next preceding Sections or this Section, as the price of or as compensation for damages to any land or other real property, shall stand in the place thereof, and shall whether in the hands of the Municipal Corporation or of any party to whom the same shall have been paid, be subject to all such limitations and charges to which such land or other real property was subject, and from which the Municipal Corporation shall be discharged.

If there be no person who can convey the property.

Conveyances, &c., to be valid.

Proviso: interest only to be paid to party conveying in certain cases.

Unless by order of a Court of Equity.

Municipality not bound to see to trusts.

Proviso: purchase money to be subject to the same claims as the lands.

XXXVII. And be it enacted, That whenever any person rated on the Assessment-Roll of any Municipality or place shall object to the passage of any By-law, the passing of which is to be preceded by the application of a certain number or portion of the rateable inhabitants of such Municipality or place to be affected by such By-law, he shall, on petition to the Township or other Municipal Council to that effect, be at liberty to attend before such Council (or a Committee thereof appointed for the purpose of hearing evidence,) at the time at which such proposed By-law is intended to be passed, and to produce evidence before such Council or Committee, to show that any of the signatures to the application for such By-law are not genuine, or have been obtained upon false

Persons objecting to the passing of any By-law which must be passed with the consent of a certain portion of the Municipal Electors, may demand to be heard by the Municipal Council as to genuineness of

or

the alleged signatures of applicants, their qualification, &c.

or incorrect statements or representations, or that the necessary and proper notice of the application has not been given, and that the proposed By-law and the objects thereby intended to be carried out are contrary to the wishes of the persons whose signatures have been so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property necessary to authorize the passing of such By-law: And whenever the Council of the Township or other Municipality, before which such person shall have appeared, shall be satisfied upon the evidence adduced, that the application for the By-law does not contain the names of a sufficient number of persons, obtained without fraud and in good faith, representing the requisite amount of property, who are desirous of having such By-law passed, or that the due and sufficient notice required by law has not been given, then it shall not be lawful for the Council of such Township or other Municipality to proceed any further on such application, nor to pass any such By-law.

A Member of any Municipal Corporation may resign his seat by consent of the majority of such Corporation.

XXXVIII. And be it enacted, That it shall and may be lawful for any Member of the Municipal Corporation of any City, Town, Township or incorporated Village in Upper Canada at any time, by and with the consent of the majority of the Members of such Municipal Corporation, signified by such consent being entered on the Minutes of their proceedings, to resign his situation as a Member of such Corporation, and the vacancy occasioned by such resignation shall be filled as in the case of the natural death of such Member.

Provisions of s. 4 and 16 of 14 & 15 V. c. 109 to affect any By-law passed under the Act 14 & 15 V. c. 124, or the securities issued under such By-law.

XXXIX. And be it further enacted, That none of the provisions of the fourth or sixteenth Sections of "The Upper Canada Municipal Corporations Law Amendment Act of 1851," shall be held to affect or apply to any By-law or By-laws passed or enacted, or to be passed or enacted, by any Municipality or Municipal Corporation in Upper Canada, under the authority of or for any of the purposes mentioned in the Act of the Legislature of this Province passed in the Session of the said Legislature holden in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to enable Municipal Corporations in Upper Canada to contract debts to the Crown in the purchase of Public Works, without imposing a special rate or tax for the payment of the same*, or to any debts, bonds, deeds, covenants or other securities, contracted, made or executed to Her Majesty, Her Heirs or Successors, under the provisions of the last mentioned Act, or for any of the purposes therein mentioned.

Interpretation clause.

XL. And be it enacted, That in this Act the word "Township" shall include any union of Townships forming a single Municipality, and the word "County" shall include any union of Counties forming a single Municipality, except where such interpretation would be inconsistent with the context of the enactment wherein the word occurs.

XLI. And be it enacted, That this Act shall come into force and effect upon, from and after the first day of July one thousand eight hundred and fifty-three, and not before. Commence-
ment of Act.

CAP. CLXXXII.

An Act to amend and consolidate the Assessment Laws of Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to amend the Assessment Laws Preamble.

now in force in Upper Canada, and to provide in one Act for the just and equal assessment of property and the levying and collecting of Municipal rates in the several Townships, Villages, Towns, Cities and Counties in Upper Canada : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Assessment Law of Upper Canada*, be and the same are hereby repealed, except in so far as the same may affect any rates or taxes of the present year, or any rates or taxes which have accrued and are actually due, or any remedy for the enforcement or recovery of such rates or taxes not otherwise provided for by this Act : Provided always, that all taxes of the present year, and all arrears of other taxes remaining due after this Act shall come into force, shall be collected and recovered according to the provisions of this Act. Acts 13 &
14 V. c. 67,
and 14 & 15
V. c. 110, re-
pealed.

Proviso as to
arrears.

PROPERTY LIABLE TO TAXATION.

II. And be it enacted, That all land and personal property in Upper Canada shall be liable to taxation, subject to the exemptions hereinafter specified ; and the occupant of any land belonging to Her Majesty shall be liable to taxation for the land so occupied, but such land shall not be chargeable for the same. What prop-
erty shall be
liable to tax-
ation.

III. And be it enacted, That the term " Land " as used in this Act, shall be held to include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the Meaning of
the terms
" land,"
" real estate,"
" real pro-
perty,

“ perty,”
 “ personal
 “ estate,”
 “ personal
 “ property,”
 and “ pro-
 “ perty,” in
 this Act.

realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty, Her Heirs or Successors; and the terms “ real estate” and “ real property,” whenever they occur in this Act, shall be construed as having the same meaning as the term “ land” thus defined; and the terms “ personal estate” and “ personal property” whenever they occur in this Act, shall be construed to include all goods, chattels, shares in incorporated companies, money, notes, accounts and debts at their full value, and all other property, except land as above defined, and property herein expressly exempted; and the term “ property” shall include both real property and personal property as above defined.

Assessment
 Scale for personal property.

IV. And be it enacted, That if the nett personal property of any party shall be equal in value to any of the sums set down in the first column of the annexed scale, but shall not be equal to the larger sum set opposite to it in the second column, he shall be assessed for such smaller sum only—

£25 or more, but under		£50
£50 do.	do.	£100
£100 do.	do.	£250
£250 do.	do.	£500
£500 do.	do.	£1,000
£1,000 do.	do.	£2,500
£2,500 do.	do.	£5,000
£5,000 do.	do.	£10,000
£10,000 do.	do.	£15,000
£15,000 do.	do.	£20,000

and so forward, the sums thenceforth increasing by £5,000.

How persons deriving income from any trade, calling or profession shall be assessed.

V. Provided always, and be it enacted, That no person deriving income from any trade, calling, office or profession, exceeding the amount of Fifty Pounds per annum, shall be assessed for a less sum as the amount of his nett personal property, than the amount derived from such income during the year then last past, but such last year’s income shall be held to be his nett personal property, unless he has other personal property to a greater amount.

Certain property exempted from taxation.

VI. And be it enacted, That the following property shall be exempt from taxation.

All property belonging to Her Majesty.

Firstly. All estate and property belonging to or vested in Her Majesty, Her Heirs and Successors, or held by Her Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, or vested in any public body, officer, person or party in trust for Her Majesty, or for the public uses of the Province, save as hereinbefore provided as to any private occupant of such property.

Secondly.

Secondly. Every place of worship, every church-yard or burying ground, the real estate of any University, College, incorporated Grammar School, or other incorporated Seminary of learning, or real estate held in trust for the same, so long as such real estate is actually used and occupied by it, but not if occupied by others or unoccupied; every Public School House, Town or City Hall, Court House, Gaol, House of Correction, Lock-up House, or public Hospital with the land attached thereto, or on which the same is erected, and the personal property belonging to each of them, every Public Road and Way or Public Square, and the property belonging to any Township, Village, Town, City or County, if occupied for the purposes thereof, or unoccupied.

Places of Worship, Colleges, Grammar Schools and Public Educational Institutions, Buildings for public purposes, Public Roads and Ways, &c.

Thirdly. The Provincial Penitentiary and the land attached thereto.

Provincial Penitentiary.

Fourthly. Every Industrial Farm, Poor House, Alms House, House of Industry or Lunatic Asylum, and every house belonging to a Company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

Houses, &c., used for Philanthropic purposes.

Fifthly. The property of every Public Library, Mechanics' Institute or other public literary or scientific institution, and of every Agricultural Society.

Scientific Institutions.

Sixthly. The personal property of the Governor or Lieutenant Governor of this Province, and the official income of any person administering the Government of this Province for the time being.

Personal property of Governor, &c.

Seventhly. The occupant of any property of Her Majesty, or held for Her Majesty or the public uses of this Province in respect of his occupation of such property in an official capacity.

Official occupants of public property.

Eighthly. The full or half pay of any one in any of Her Majesty's Naval or Military services, or any pension, salary or other gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Province, and the personal property of any such persons in such Naval or Military services on full pay, or otherwise in actual then present service, nor shall such persons be liable to perform statute labor, or to commute for the same.

Imperial salaries, pensions or gratuities, personal property of Officers on full pay.

Ninthly. All pensions under Fifty Pounds a year payable out of the public moneys of this Province.

Pensions under £50 a year.

Tenthly. The income of a farmer derived from his farm, and the crops the produce thereof for the current year.

Incomes derived from farms.

Eleventhly. So much of the personal property of any person as is secured by a mortgage upon land, or may be due to him

Personal property secured by mortgage.

on

on account of the sale of land the fee or freehold of which is vested in him.

Bank Stock,
and Railroad
Stock.

Twelfthly. The stock held by any person or in any Chartered Bank so long as by any law of this Province there is a special tax upon bank issues, or in any Railroad Company.

Stocks owned
out of the
Province.

Thirteenthly. All property, stocks and other securities which any party may own out of this Province.

Personal prop-
erty to
amount of
debts due.

Fourteenthly. So much of the personal property of any party as shall be equal to the just debts owed by him, except such debts as are secured by mortgage upon his real estate, or may be unpaid on account of the purchase money therefor.

Personalty
under £25.

Fifteenthly. The nett personal property of any individual, provided the same be under Twenty-five Pounds in value.

Stipend of
Ministers,
under £300.

Sixteenthly. The stipend or salary of any Minister of Religion from whatever source derived, as long as the same does not exceed Three Hundred Pounds annually.

Household
effects, Books,
&c.

Seventeenthly. Household effects, Books and wearing apparel.

Lands to be
assessed
where situat-
ed.

VII. And be it enacted, That all lands to whomsoever belonging, shall be assessed in the Township, Village or Ward in which they lie, and in the name of and against the owner thereof, if known, or if resident or having a legal domicile or place of business, when the assessment shall be made, within such Township, Village or Ward, or the Town or City in which it is included, or if such lands be occupied by such owner or wholly unoccupied; but if the owner be not so resident or be unknown, or the land be occupied, it shall be assessed in the name of and against the occupant; and occupied land owned by a party known or residing or having a legal domicile or place of business in the Township, Village, Town or City where the same is situate, but occupied by another party, shall be assessed in the name of and against both the owner and the occupant (inserting the name of both in the Roll with the word "owner" or "occupant" added as the case may be, and notifying both in the manner hereinafter provided); and the taxes thereon may be recovered from either or from any future owner or occupant saving his recourse against any other party; and if any land be owned or occupied by more than one party, then any one or more of them may be deemed the owner or owners, occupant or occupants, and shall be liable accordingly, saving his or their recourse against the others, but the names of all such owners and occupants shall be mentioned if known; and any occupant may deduct from his rent any taxes he may have paid, if the same could also have been recovered from the owner, unless there be a special agreement between the occupant and the owner to the contrary.

In what cases
they shall be
assessed in the
name of the
owner and in
what case in
that of the
occupant.

From whom
taxes may be
recovered.

VIII. And be it enacted, That unoccupied lands not known to be owned by any party resident or having a legal domicile or place of business, in the Township, Village, Town or City where the same are situate, or belonging to any party whose residence or domicile or place of business upon diligent enquiry by any assessor of such Township, Village, Town or City, shall not be found therein, or who being resident out of the Municipality, shall not have signified to the Assessor personally or in writing, that he owns such land and desires to be assessed therefor, shall be denominated "Lands of non-residents," and shall be assessed as hereinafter provided; Provided always, that the real estate of any Railroad Company, although it may be in a Municipality other than that where the office of the said Company is held, shall not be considered to be land of non-residents.

Unoccupied lands how to be designated.

Proviso as to the estate of Railroad Companies.

IX. And be it enacted, That the real estate of all incorporated Companies shall be assessed in the Township, Village or Ward where the same shall be, in the same manner as the real estate of individuals; and their personal property shall not be assessed against them in their corporate capacity, but each Shareholder in any Incorporated Company shall be assessed for the value of the stock or shares held by him, as part of his personal property, except where such stock is specially exempted by this Act.

How the property of Corporations shall be assessed.

X. And be it enacted, That the personal property of any partnership shall be assessed against it at the usual place of business of such partnership, and each partner in his individual capacity shall not be assessable for his share of the personal property of any partnership which has already been assessed; and if a partnership has more than one place of business, each branch as far as may be, shall be assessed in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business, of the amount of personal property assessed against it elsewhere.

Personal property of partnerships, how and where to be assessed.

As to partnerships having more than one business locality.

XI. And be it enacted, That every party having any Farm, Shop, Factory, Office or other place of business, where he carries on any trade, profession or calling, shall be assessed for all personal property owned by him, and wheresoever situate, in the Township, Village or Ward where he has such place of business when the assessment is made; and if he has two or more such places of business in different Municipalities or Wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat, or if this cannot be done, he shall be assessed for part of his personal property at one and part at another of his places of business

Where parties carrying on trade or professions shall be assessed for personal property.

If the party has no place of business.

Property held by him in a representative character to be assessed at the same place.

Real property to be estimated at full value.

What shall be deemed vacant land, and how its value shall be calculated in Cities, &c.

Yearly value of personalty in Cities, &c.

Proviso: as to yearly value of real property in Cities, &c.

All taxes under 12 V. c. 81, or any other Act, to be levied equally upon the whole property of the locality to be taxed.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

business or for all his personal property at one such place at his discretion, but he shall in all such cases produce a certificate at each place of business of the amount of personal property assessed against him elsewhere; and if any party has no place of business he shall be assessed at his place of residence; and wherever he is assessed, there shall be included with his property all personal property in his possession or under his sole control as trustee, guardian, executor or administrator, and in no case shall property so held be assessed against any other party, and if it be owned or possessed by or under the control of more than one party, each shall be assessed for his share, or if they hold in a representative character, then each shall be assessed for an equal portion.

XII. And be it enacted, That real property shall be estimated at its full value as it would be appraised in payment of a just debt from a solvent debtor, and the yearly value of real property in Cities, Towns or Villages shall be the real rack rent for each separate tenement to be ascertained by the Assessors, in the manner hereinafter provided; but if more than one quarter of an acre of land be attached to any house or building forming a separate tenement, the overplus shall be held to be vacant ground, and the full actual value of all vacant ground shall be estimated by the Assessors, and six per cent. thereon shall be deemed its yearly value, and the yearly value of personal property in Cities, Towns and Villages, shall be calculated to be six per cent. on its actual value: Provided always, that no real property in Cities, Towns and Villages shall be assessed at a rental which is less than six per cent. on the full and real value thereof; but if the actual rent falls short of that amount, the property shall nevertheless be assessed at the full yearly value calculated as six per cent. upon the real value.

XIII. And be it enacted, That all taxes to be levied under this Act, or the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, or under any other Act passed or to be passed whereby any local or direct taxes have been or shall be authorized to be levied, and when no other express provision shall be made in this respect, shall be levied equally upon the whole real and personal property of the locality to be taxed in proportion to the assessed value thereof, and not upon any one or more kinds or species of property in particular or in different proportions.

XIV. And be it enacted, That the taxes levied or assessed for any year, shall in all cases be considered and taken to have been imposed for the then current year, commencing with the first day of January, and ending with the thirty-first day of December, unless otherwise expressly provided for by the enactment

enactment or By-law under which the same are imposed or authorized or directed to be levied.

ASSESSMENTS.

XV. And be it enacted, That notwithstanding any thing in any Act or law to the contrary, the number of Assessors or Collectors to be appointed in and for any City, Town, Village or Township, shall be one or more, in the discretion of the Municipal Council thereof, and such Municipal Council may, in their discretion, appoint the same Assessor or Collector to act in and for any number of Wards or for the whole of any City or Town.

One or more Assessors may be appointed, in any place.

XVI. And be it enacted, That the Municipal Council of any Township, City, Town or Village may, if they deem it expedient, divide the same into convenient Assessment Districts, and may assign the Assessment District or Districts within which each Assessor shall act, and may prescribe such regulations for governing the Assessors in the performance of their duties as shall not be inconsistent with this Act, or with any law in force in Upper Canada.

Townships or Cities, Towns, &c., may be divided into Assessment Districts, and regulations made for governing Assessors.

XVII. And be it enacted, That the Assessor or Assessors for each Township, Village and Ward shall prepare an Assessment Roll, in which after diligent enquiry, shall be set down in separate columns, and according to the best information in their power, the names and surnames in full, if the same can be ascertained, of all taxable parties resident in the Township, Village or Ward, and of all non-resident Freeholders who shall either in person, or in writing, have required such Assessor to enter their names and the land owned by them in the Roll, together with the description and extent or amount of property assessable against each, and containing the particulars mentioned in the Schedule appended to this Act marked A., for each of the items whereof the Assessment Roll shall contain a separate column; Provided always, that whenever any Assessor shall enter upon his Roll the name of any Freeholder who shall have required his name so to be entered, he shall write opposite to it "non-resident," together with the address of such Freeholder, and no such non-resident shall be entitled to vote at any Municipal Election by reason of his name being so entered on the Assessor's or Collector's Roll; any thing in the Upper Canada Municipal Corporations' Acts to the contrary notwithstanding.

Assessment Roll to be prepared: its form and contents.

Proviso: non residents entered on Roll to be distinguished as such.

XVIII. And be it enacted, That it shall be the duty of each party assessable in any Township, Village or Ward, to give all necessary information to the Assessor or Assessors, and if required by the Assessor or by one of the Assessors, if there be more than one, to deliver to such Assessor a statement in writing, signed by such party (or his agent, if such party be absent)

Particulars respecting property or income to be delivered to Assessors in writing, by

the parties to be assessed.

absent) and containing all the particulars respecting the property or income assessable against such party which are required in the Assessment Roll; and if any reasonable doubt is entertained by the Assessor of the correctness of any information given by the party applied to, it shall be the duty of the Assessor to require from him a written statement as aforesaid, and if any such assessable party shall fail to deliver such statement to the Assessor, or one of the Assessors when thereunto required, such person shall thereby forfeit to the Municipal Corporation of the Village, Town, City or Township, the sum of Five Pounds currency, to be recovered as a debt due to such Municipal Corporation in any way in which debts due to it can be recovered; Provided that no such statement shall bind the Assessor or Assessors further than they shall from their personal knowledge, believe the same to be correct, nor shall it excuse them from making due enquiry whereby to ascertain whether it is or is not correct, and notwithstanding such statement, they may assess such party for such amounts of property or income as they may believe to be just and correct, and may omit his name or any property which he claims to own or occupy if they shall have reason to believe him not entitled to be placed on the Roll, or to be assessed for such property.

Proviso: Statements given by parties not binding on Assessors.

Penalty on parties making false statements.

XIX. And be it enacted, That if any person shall have knowingly stated any thing falsely in the written statement required to be made by the preceding Section, he may be summarily convicted thereof before any Justice of the Peace, or other person authorized to act in that capacity, having jurisdiction within the locality, and shall be liable to a fine of not more than Five Pounds.

Parties assessed as Trustees &c., to have their representative character attached to their names.

XX. And be it enacted, That when a person shall be assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof or for the proper proportion thereof, if others, resident within the same Municipality, be joined with him in such representative character.

Railway Companies to transmit annual statements describing value of their real property to Clerk of Municipality: and shall be notified of the

XXI. And be it enacted, That every Railway Company shall annually transmit to the Clerk of every Municipality in which any part of the road or other real property of such Company is situate, a statement describing the value of all the real property of the Company other than the roadway, and also the actual value of the land occupied by the road in such Municipality, according to the average value of land in the locality, and the Clerk shall communicate the same to the Assessors; and the Assessor or Assessors shall deliver at or transmit by post to any

any station or office of the Company, a notice of the total amount at which they have assessed the real property of the Company in their Municipality or Ward, distinguishing the value of the land occupied by the road, and the value of all other real property of the Company; and the statement and notice herein mentioned shall for all the purposes of this Act be held to be the statement required by the eighteenth section, and the notice required by the twenty-third section of this Act.

amount at which they are assessed.

XXII. And be it enacted, That the lands of non-residents who have not required their names to be entered by the Assessor, shall be designated in the same Assessment Roll, but in a part separate from the other assessments, headed "Non-residents Land Assessments," and in the manner following, that is to say: If the land to be assessed be a tract not known to be sub-divided into lots, it shall be designated by its boundaries or other intelligible description: If it be a tract which is known to be sub-divided into lots, or be part of a tract known to be so sub-divided, the Assessors shall proceed as follows: They shall designate the whole tract in the manner above prescribed with regard to undivided tracts: If they can obtain correct information of the sub-divisions, they shall put down in their Assessment Rolls, and in a first column, all the unoccupied lots owned by non-residents, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number as aforesaid, but if it be part of a lot, the part shall be designated by boundaries, or in some other way by which it may be known.

Lands of non-residents how to be designated, and described on the Assessment Roll.

XXIII. And be it enacted, That the Assessors shall also before the completion of their Roll, leave for every party named thereon, and resident or domiciled or having a place of business within the City, Town, Village or Township, and shall transmit by post to every non-resident named thereon, a notice of the actual or yearly value at which his real property, and of the sum at which his personal property or income shall have been assessed by them.

Assessors to give notice to parties of the value at which their properties are assessed.

XXIV. And be it enacted, That the Assessor or Assessors shall make and complete their assessment in every year between the first day of February and such day as the Municipal Council of the City, Town, Village or Township shall appoint, which day shall not be later than the fifteenth day of April, and on or before the day to be so appointed, the Assessor or Assessors or a majority of them, shall complete the Assessment Roll, and shall severally attach thereto a certificate signed by each of them,

At what time the Assessment Roll shall be completed.

them, and verified upon oath or affirmation, which shall be in the form following :

Certificate to be attached to Roll.

“ I do certify that I have set down in the above Assessment Roll, all the real property liable to taxation, situate in the Township, Village or Ward of _____, (*as the case may be*) and the true actual (*or yearly*) value thereof, in each case, according to the best of my information and judgment ; and also that the said Assessment Roll contains a true statement of the aggregate amount of the personal property of every party named in the said Roll ; and that I have estimated the same according to the best of my information and belief ; and I further certify that I have entered therein the names of all the resident householders and freeholders, and of all other freeholders who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I have not entered the name of any person whom I do not truly believe to be a householder or freeholder, or the *bonâ fide* occupier or owner of the property set down opposite his name for his own use and benefit.”

Assessment Roll to be delivered up to Clerk of Municipality. Duty of the said Clerk.

XXV. And be it enacted, That the Assessor or Assessors shall deliver the Assessment Roll completed and added up, with the certificates and affidavits attached, to the Clerk of the Municipality ; and it shall be the duty of the Clerk to make a copy thereof arranged in the alphabetical order of the surnames, and he shall cause such copy to be put up in some convenient and public place within the Municipality, and to be maintained there until after the meeting of the Court of Revision as hereinafter provided, and the Clerk of each Municipality shall without delay, transmit to the County Clerk a certified copy of the Assessment Roll of his Municipality after the same is finally revised and corrected, after the appeal provided by the twenty-eighth section of this Act.

Proceedings in cases in which parties consider themselves aggrieved by any entry on the Roll, &c.

Court for trying such cases.

XXVI. And be it enacted, That in case any party shall deem himself wrongfully inserted on or omitted from the Roll, or undercharged or overcharged by the Assessor or Assessors in his or their Roll, he or his Agent may, within fourteen days after the time fixed for the return of the Assessors' Roll, give notice in writing to the Clerk of the Municipality that he considers himself aggrieved for any or all of the causes aforesaid, and the subject matter of such complaint shall be tried by a Court of five Members of the Municipal Council of the City, Town, Village or Township, to be appointed by such Municipal Council, (or, if such Council consists of not more than five members, the members of the Council shall be such Court,) and at such time as the said Court shall appoint ; and the Court after hearing the complainant and the Assessor or Assessors and any witness adduced by or on behalf of either of them, upon oath, shall determine the matter and confirm or amend the Roll accordingly, and if either party shall fail to appear

appear either in person or by an agent, such Court may proceed *ex parte*: and any three or more Members of any Court shall be a *quorum*, and any majority of a *quorum* may decide all questions before the Court: and if any Municipal elector shall think that any party has been assessed too low or too high, or has been wrongfully inserted on or omitted from the Roll, the Clerk shall, on his request in writing, give notice to such party and to the Assessor or Assessors, of the time when the matter shall be tried by the said Court, and the matter shall be decided in the same manner as complaints by a party assessed; and the Roll as finally passed by the said Court, and certified by the Clerk as so passed, shall be valid, and shall bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll, except in so far as the same may be further amended on the appeal hereinafter provided; and the Clerk of the Municipality shall post up in some convenient and public place within the Municipality, a list of all complainants on their own behalf against the Assessor's return, and of all complainants on account of the assessment of other parties (stating the names of each) with a concise description of the matter complained against, together with an announcement of the time when the Court to hear such complaints will be held, which list may be in the form given in the schedule appended to this Act marked B; and the Clerk shall also advertise in some newspaper published in the City, Town, Village or Township, or if there be none, then in one published at the nearest place in the County, the time at which the aforesaid Court of Revision will hold its first sitting; and he shall also cause to be left at the residence of each Assessor a list of all the complaints; and he shall cause to be left at the residence or place of business of each party with respect to whom a complaint is made, a notice in the form given in the schedule appended to this Act marked C, or if the party is not known or not resident within the Municipality, then with some grown person on the premises assessed, or addressed to such party through the Post Office; and each such notice hereby required, whether by publication, advertisement, letter or otherwise, shall have been completed at least six days before the sitting of the Court.

Quorum.

Municipal electors complaining of wrong entries as to other parties.

Effect of Roll as finally passed.

Publication of List of complainants.

Advertisement of time of Courts sitting.

Notice to parties concerned.

XXVII. Provided always, and be it enacted, That any person deeming himself overcharged on his personal property or that any person for whom he is agent is so overcharged, may appear before the Court of Revision hereinbefore constituted, and may make a declaration in the form following:

Appearance and declaration of persons deeming themselves, or any person for whom they act, overcharged.

"I, A. B., do solemnly declare that the true value of all the personal property (or income) assessable against me, (or against me as Trustee, Guardian, Executor, &c., or against C. D. for whom I am agent, *as the case may be*), after deducting the just debts due by me (as such Trustee, &c., or by C. D.) does not, to the best of my knowledge and belief,

“ exceed the sum of _____ pounds currency, (and if
 “ the declaration is made by an agent, add :) And that I have
 “ the means of knowing, and do know the extent and value of
 “ the personal property assessable against C. D.”

False decla-
ration to be
perjury.

And the Court of Revision shall thereupon enter the person complaining at such an amount of personal property or income as is specified in the declaration, and no more ; and if any party shall make a wilfully false statement in any declaration so to be made, he shall be guilty of a misdemeanor, and shall be punished as for perjury.

Parties dis-
satisfied with
decision of
Court of Re-
vision may
appeal to
Judge of
County Court,
and in what
manner and
on what
terms.

XXVIII. And be it enacted, That if any party shall be dissatisfied with the decision of the Court of Revision upon any matter connected with the assessments, such party may, within three days after the decision, serve upon the Clerk of the Municipality a written notice of his intention to appeal to the Judge of the County Court, and the Clerk shall give notice to all the parties appealed against in the same manner as is provided for notice of complaints by the twenty-sixth section of this Act ; and the party appealing shall at the same time give a written notice of his appeal to the Clerk of the Division Court for the Division within the limits of which the Municipality may be situate, and he shall deposit with him the sum of Ten Shillings to cover the costs of the appeal, and the Clerk of the Division Court shall cause a conspicuous notice to be posted up at the place where the Division Court is held, containing the names of all the appellants and the parties appealed against, ranged under the several Municipalities, if there be more than one Municipality in the Division, together with the date at which a Court will be held to hear the appeal, which day shall be determined by the Judge of the County Court ; and at the Court so to be holden, the Judge shall hear the appeals, and he may adjourn the hearing from time to time and defer the judgment thereon at his pleasure, so that a return can be made to the Clerk of the Municipality before the fifteenth day of July ; and the Judge shall transmit his decision to the Clerk of the Division Court, to be by him forthwith transmitted to the Clerk of the Municipality, and such Judgment shall be final, and the Clerk of the Municipality shall amend the rolls according to the Judge's decision, and the costs of the Court, shall in all cases be borne by the Appellants, but each party shall pay his own witnesses, except in the case of wilful fraud or corruption, when the Judge may order all costs to be paid by the party offending ; and the costs as aforesaid shall be taxed according to the schedule of fees under the Division Courts Acts as in suits for the recovery of sums exceeding Ten and not exceeding Fifteen Pounds in the said Courts.

Notice of
appeals to be
published.

Hearing ap-
peals.

Transmission
of decision to
Clerk of Mu-
nicipality ;
costs by
whom paid,
and how
taxed.

Further pow-
ers granted to
Court of Re-

XXIX. And be it enacted, That the Court of Revision constituted by the twenty-sixth section of this Act, shall also have power to receive and decide upon any Petition from any party assessed,

assessed, for any tenement which shall have remained vacant during more than three calendar months, in the year for which the assessment was made, or from any party who from sickness or extreme poverty shall declare himself unable to pay the taxes, or who by reason of any gross and manifest error in the Roll as finally passed by the Court, shall have been overcharged more than twenty-five per cent. on the sum he ought to have been charged, and to remit or reduce the taxes due by any such party, or to reject such Petition, as to them shall seem meet and right, unless some By-law shall be in force to govern them in this behalf, in which case they shall decide in accordance with such By-law : And the Municipal Council of any City, Town or Township, is hereby empowered to make such By-laws and to repeal or amend the same from time to time.

vision established by s. 26.

XXX. And be it enacted, That the said Court shall have full power to meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the Head of the Municipality, and the Court or any member thereof may administer an oath to any party or witness, or may issue a Summons to any witness to attend such Court; and if any witness so summoned shall fail to attend, (being tendered compensation for his time at the rate of Two Shillings and Six Pence a day), he shall incur a penalty not exceeding Five Pounds; to be recoverable, with costs, by and to the use of the Corporation of the City, Town, Village or Township in any way in which penalties incurred under any By-law thereof may be recovered; and the Clerk of the Corporation shall be the Clerk of the said Court: Provided always, that all such duties of the said Court as relate to the revising of the Assessment Rolls according to the provisions of the twenty-sixth section of this Act shall be completed and the Rolls finally revised before the first day of June in every year.

Court may meet and adjourn from time to time at pleasure.

May summon witnesses.

Penalty on witnesses failing to attend.

Clerk of Court.

Proviso: proceedings to be completed by a certain day.

MUNICIPAL RATES.

XXXI. And be it enacted, That estimates shall be made of all sums which may be required for the lawful purposes of any City, Town, Village, Township or County for each year in which such sums are required to be levied, making due allowance in such estimate for the cost of collection and the abatements and losses which may occur in the collection of the tax, and for taxes on non-resident lands which may not be collected, and it shall be lawful for the Council of any such Municipality to pass one By-law or several By-laws authorizing the levying and collection of a rate or rates of so much in the pound upon the assessed value of the property therein, as, in the judgment of such Council, may be sufficient to raise the sum or sums required on such estimate or estimates; and if the amount collected shall fall short of the sums severally estimated to be required for the lawful purposes of such Municipality, the Council thereof may direct the deficiency to be

Estimates to be made of sums required for lawful purposes of the Municipality.

By-laws for raising money by rate.

If the amount collected fall short.

made up from any unappropriated fund belonging to such Municipality, or if there be no such fund, the deficiency may be equally deducted from the several sums estimated to be required, or from any one or more of them, at the discretion of such Council; and if the sums collected exceed the amounts of the several estimates, the balance shall form part of the General Fund of the Municipality, and be at the disposal of the Municipal Council thereof, unless otherwise specially appropriated; Provided always, that if any portion of the whole amount collected for the purposes of any County, City, Town, Village or Township shall have been on account of a special tax upon any particular locality within the same, no less a sum shall in any case be appropriated to such special local object than was actually collected and received from such locality: Provided also, that in Counties and Townships the several rates shall be calculated at so much in the pound upon the actual value of all the real and personal property therein, and in Cities, Towns and Villages at so much in the pound upon the yearly value of such real and personal property.

If there be an excess.

Proviso.

Proviso.

Assessment Rolls to be examined annually by Municipal Council of the County, for the purpose of equalizing the valuation in the different Municipalities.

Proviso: if Clerk of any Municipality shall have omitted to send copy of Roll.

Proviso: No such equalization required for 1854.

XXXII. And be it enacted, That the Municipal Council of each County shall every year, at some period to be fixed at their discretion, but not later than the First day of July, examine the Assessment Rolls of the different Townships, Towns and Villages in the County, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each such Township, Town or Village bears a just relation to the valuation so made in all such Townships, Towns and Villages, and such meeting of the Council may be adjourned from time to time till such duty is completed; and it shall be lawful for such Municipal Council to increase or decrease the aggregate valuations of real property in any such Township, Town or Village, adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations of real estate in such County, but it shall not be lawful for them in any case to reduce the aggregate valuation thereof for the whole County as made by such Assessors: Provided always, that if the Clerk of any Municipality shall have neglected to transmit a certified copy of the Assessment Rolls as hereinbefore required, such neglect shall not prevent the County Council from equalizing the valuations in the several Municipalities according to the best information obtainable, and any rate imposed according to such equalized Assessment shall be as valid as if the Assessment Rolls had been transmitted: Provided also, that in the year 1854, it shall not be necessary for the Municipal Council of any County to examine the Assessment Rolls as herein before provided, but all the rates which should by this Act have been calculated upon the Assessment Rolls as equalized in 1854 as aforesaid, shall be calculated upon the Assessment Rolls as equalized at the meeting of the Municipal Counties

Counties of the several Counties required to be held for that purpose on the third Monday in June, of the present year.

XXXIII. And be it enacted, That the Municipal Council of each County in apportioning any County rate among the different Townships, Villages and Towns within such County, in order that the same may be assessed equally on the whole rateable property of such County, shall make the amount of property returned on the Assessment Rolls as finally revised and equalized, of such Townships, Villages and Towns for the financial year next before that in which such rate shall be so apportioned, the basis upon which such apportionment shall be made; and that in making such apportionment between Townships in which rates are assessable on the actual value of property, and Villages and Towns in which such rates are assessable on the annual value of such property, the sum total of the rentals assessed in such Village or Town shall be calculated to be ten per cent. upon the capital represented, and the capital so ascertained, together with the total actual value of other real property, and the total value of personal property, shall be considered the aggregate valuation of such Town or Village, for the purpose of rating it for any County or Provincial tax: Provided always, that if any new Municipality has been erected or set apart within any County, so that there shall be no Assessment Rolls of such new Municipality for the next preceding financial year, the County Council shall, nevertheless, by examining the Rolls of the former Municipality or Municipalities of which such new Municipality then formed part, ascertain to the best of their judgment, what part of the Assessment of such Municipality had relation to the new Municipality, and what part should continue to be accounted as the Assessment of the original Municipality, and their several shares of the County tax shall be apportioned between them accordingly.

The apportionment of County rates to be based upon the Assessment Rolls of preceding year.

Apportionment thereof as between Township and Towns, &c.

Proviso as to new Municipalities.

XXXIV. And be it enacted, That in every case in which any sum is to be levied for County purposes, or by the County for the purposes of any particular locality, the Municipal Council of the County shall ascertain, and by By-law direct what portion of such sum shall be levied in each Township or incorporated Town or Village in such County or locality; and it shall be the duty of the County Clerk before the first day of August in each year to certify to the Clerk of each Township or incorporated Town or Village in his County, the total amount which shall have been so directed to be levied thereon in the then current year for County purposes or for the purposes of any such locality, and the Clerk of the Township, Town or Village shall calculate and insert the same in the Collector's Roll for that year: Provided always, that nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on County Debentures, whether such provisions be contained in the Municipal Corporations Acts of Upper Canada or the Act to establish a Consolidated

Municipal Council to direct by By-law what part of any sum required for County purposes, shall be levied in any Township, Town, &c.

Proviso: not to affect certain special enactments.

Consolidated Municipal Loan Fund in Upper Canada, or in any General or Special Act authorizing the issue of Debentures, or in any By-law of the County Council providing for the issuing of the same.

STATUTE LABOUR.

A sum of money substituted for Statute Labour in certain cases, in Cities, Towns, &c.

XXXV. And be it enacted, That if any male inhabitant of any City or incorporated Town or Village, of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour) shall not be assessed upon the Assessment Rolls of such City, Town or Village, or if being assessed, his taxes do not amount to ten shillings currency, he shall instead of such labour be taxed ten shillings yearly therefor, to be levied and collected in the same manner as other local taxes for the use of the Corporation of the place. And no such person shall be exempt from the tax herein named by reason of his producing a certificate that he has performed statute labour elsewhere, unless he was actually domiciled out of the limits of the City, Town or Village at the time he so performed statute labour.

Performance of statute labour elsewhere not to exempt.

Statute labour, Parties liable, and in what ratio, in Townships.

XXXVI. And be it enacted, That every male inhabitant of any Township, between the ages aforesaid and not otherwise assessed, shall be liable to two days of statute labour on the Roads and highways in such Township: and every party assessed upon the Assessment Roll of any Township, shall, if the property of such party be assessed—

The rates.

At not more than £50, be liable to 2 days of labour ;

At more than £50, but not more than £100, to 3 days' labour ;

"	100,	"	150,	4	"
"	150,	"	200,	5	"
"	200,	"	300,	6	"
"	300,	"	400,	7	"
"	400,	"	500,	8	"
"	500,	"	600,	9	"
"	600,	"	800,	10	"
"	800,	"	1000,	12	"

For every 200, above the sum of 1000, 1 "

Or money payment.

Unless the Municipality of such Township shall have directed by By-law, that a sum of money be paid in commutation of such labour, in which case the tax chargeable against such person in lieu of statute labour shall be added in a separate column in the Collector's Roll, and shall by him be collected and accounted for in the same manner as any other tax; Provided always, that the Municipal Council of every Township may by By-law, to operate generally and rateably, reduce or at their discretion increase the number of days' labour to which all the parties rated on the Assessment

Proviso: Council may alter the rates, preserving the proportion.

Assessment Roll or otherwise shall be liable under this Act, so that the number of days' statute labour to which each person shall be liable, shall be in proportion to the amount at which such person is assessed.

XXXVII. And be it enacted, That if the Collector shall not be able to collect the sum of ten shillings named in the thirty-fifth, or the tax in lieu of statute labour named in the thirty-sixth sections of this Act, he shall levy the same by distress and sale of the goods and chattels of the party in default, in the same manner as is hereinafter provided for the collection of other taxes; and in case no sufficient distress to satisfy the sum due by such party shall be found, then, it shall and may be lawful for the Head of any such Municipality, or any Justice of the Peace having jurisdiction in the locality, upon complaint that such party appears upon the Collectors' Roll to be rated for such sum, that the same has been duly demanded and that the party has neglected to pay the same, and that no sufficient distress can be found, to issue a Warrant under his Hand and Seal, and to commit the party to the Common Gaol of the County for any time not exceeding six days, unless such sum and the costs of the Warrant hereby authorized to be issued, and the execution thereof shall be sooner paid.

Payment of tax under s. 35 & 36, in lieu of statute labour, may be enforced by distress, or committal.

XXXVIII. And be it enacted, That in Townships the statute labour against non-residents in respect of their property shall be commuted at the rate of two shillings and six pence currency, for each days' labour, or such other sum as may have been determined by the Municipal Council of the Township, as the rate of commutation for residents; And no non-resident whose name is not entered on the Assessment Roll shall be admitted to perform statute labour in respect of any land owned by him, or in liquidation of the commutation money charged against the same, and such commutation shall be charged against each such separate lot or parcel according to its assessed value, and shall as hereinafter provided be entered in a Roll by the Clerk of the Municipality and transmitted to the Treasurer of the County, to be by him collected in the same manner as any other tax; but any non-resident who has required his name to be inserted on the Assessors' Roll shall be admitted to perform statute labour as a resident, and shall be liable to a fine for the non performance thereof as if he were a resident, and if he shall not have performed his statute labour, or paid commutation for the same, the Overseer of Highways, in whose division he was placed, shall return him as a defaulter to the Clerk of the Municipality before the first day of September, and the Clerk shall in that case enter the commutation for statute labour against his name in the Collectors' Roll, and if at any time before the first day of May next ensuing, any owner of non-residents' land which shall have been returned as such to the Treasurer of the County, shall have given in writing to the Treasurer a list of the lands owned

Statute labour performable by non-residents in Townships shall be commuted into money at 2s. 6d. a day: and how collected and enforced.

As to non-residents who have required their names to be entered on the Roll.

owned by him in the Municipality, and shall have tendered to him the taxes in full on such land and the just commutation money as herein provided, he shall be liable to the commutation for statute labour only upon the aggregate value of all the lands owned by him in such Municipality, but after the first day of May as aforesaid, no change shall be made in the commutation for statute labour charged against each separate parcel, in consequence of several such parcels being owned by the same party.

COLLECTION OF RATES.

Clerk of the Municipality to make out a Collector's Roll: its form and contents.

XXXIX. And be it enacted, That it shall be the duty of the Clerk of every City, Town, Village or Township, to make out a Collector's Roll for the Township or Village, or for each Ward in the City or Town, as the case may be, on which shall be set down the name in full of each party assessed, and the correct assessed value of the real and personal property of each party, and all the values so set down shall be those ascertained after the final revision of the assessments as herein-before provided, and he shall also calculate and set down the amount for which each party is chargeable, for any sum or sums ordered to be levied by the Municipal Council of the County for County purposes, under the head of "County Rate," and he shall also calculate and set down on the Roll, in a separate column, opposite to the names and lots therein, the amount with which each party is chargeable for any sum or sums ordered to be levied by the Municipal Council of the Township, Village, Town or City, for Township, Village, Town or City purposes, or for commutation of statute labour; and which column shall be headed "Township Rate," "Village Rate," "City Rate," or "Town Rate," as the case may be, and whenever there shall be any special rate for collecting the interest upon Debentures issued, or any local rate or school rate or any other special rate, the proceeds of which are required by law or by the By-law imposing it to be kept distinct and accounted for separately, each such rate shall be calculated separately, upon the revised assessments, and shall be in a column headed "Special Rate," "Local Rate," "School Rate," or as the case may be, and all moneys to be assessed, levied and collected under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and under which any moneys raised by local assessment or taxes are payable to the Receiver General of the Province, or to any other Public Officer of this Province, for the Public uses of the Province, or for any special purpose or use mentioned in such Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally

Public taxes under 13 & 14 V. c. 68, or any other Act, to be assessed, collected in the same manner as local rates.

finally revised, and shall be entered in the Collector's Rolls in a separate column headed "Asylum Rate," or as the case may be, and the Clerk shall deliver the Roll so made certified under his Hand, to the Collector on or before the first day of October, or such other day as may be prescribed by any By-law of the Municipality.

XL. And be it enacted, That it shall be the duty of the Clerk of every City, Town, Village or Township, to make out a Roll in which he shall enter the lots, parts of lots or parcels of land assessed against non-residents, whose names have not been set down in the Assessor's Roll, together with the true valuation of each parcel as finally ascertained after the revision of the Assessment Rolls, and he shall enter opposite to each lot or parcel all the rates or taxes with which the same are chargeable by any By-law of the Municipality or of the County, or by any Act of the Legislature, in the same manner as is hereinbefore provided for the rates and taxes to be calculated and entered upon the Collectors' Roll; and he shall transmit the Roll so made out, certified under his Hand to the Treasurer of the County in which his Municipality is situate, or to the City Chamberlain, as the case may be, at the same time as is prescribed for the delivery of his Roll to the Collector.

Clerk to make out another Roll of lands of non-residents whose names are not in the Assessment Roll: and transmit it to County Treasurer or City Chamberlain.

XLI. And be it enacted, That every Collector upon receiving his Collection Roll, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the party taxed, or at the place of his usual residence or domicile or place of business, if within the Township, Village, Town or City in and for which such Collector has been appointed, and shall demand payment of the taxes charged on the property of such party; and if any person whose name appears on his Roll shall not be resident within the Municipality, he shall transmit to him by post a statement and demand of the taxes charged against him in the Roll, and the Collector shall not receive any money on account of any lands not set down on his Roll.

Duties of Collectors on receiving Collection Rolls.

XLII. And be it enacted, That in case any party shall refuse or neglect to pay the taxes imposed upon him for the space of fourteen days after such demand made as aforesaid, the Collector shall levy the same with costs, by distress and sale of the goods and chattels of the party who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the Township, Village, Town or City in which he is the Collector; and at any time after one month from the date of the delivery of the Roll to him, the Collector may make distress of any goods and chattels which he may find upon any of the land of non-residents on which the taxes inserted against the same on his Roll have not been paid; and no claim of property, lien or privilege thereupon or thereto, shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

If payment be not made, Collectors to levy the tax by distress and sale.

XLIII.

Public notice of sale to be given: and in what manner.

XLIII. And be it enacted, That the Collector shall give public notice of the day of sale, and of the name of the party whose property is to be sold, or in case of a non-resident whose name is not known to the Collector, of the number and description of the lot on account of the taxes on which the distress was made, which notice shall be given at least six days previous to the sale, by advertisement posted up in at least three public places in the Township, Village or Ward wherein such sale shall be made; and the sale shall be made by public auction.

Surplus to be paid, if unclaimed, to the party in whose possession the goods were.

XLIV. And be it enacted, That if the property distrained shall be sold for more than the whole amount of the taxes and costs, the surplus shall be returned to the party in whose possession such property was when the distress was made, if no claim to such surplus shall be made by any other party, on the ground that the property sold belonged to him, or that he is entitled by lien or privilege to such surplus; and if any such claim be made and be admitted by the party for whose taxes the same was distrained, the surplus shall be paid to such owner, but if such claim be contested, the surplus money shall be paid over by the Collector to the Township, Village, or Town Treasurer or City Chamberlain, who shall retain the same until the respective rights of the parties shall be determined by action at law or otherwise.

If the right to such surplus be contested.

Proceedings in case of removal of parties assessed, and their neglect or refusal to pay.

XLV. And be it enacted, That if any party against whom any tax now is or hereafter shall be assessed in any Township, Village, Town or City, shall not be resident within the Municipality, or shall have removed out of the same after such assessment, and before such tax shall have been collected, or if any party shall neglect or refuse to pay any tax which now is or hereafter shall be assessed in any Township, Village, Town or City within the County in which he shall reside, and payable by him, it shall be lawful for the Collector of such Township, Village, Town or City, to levy and collect such tax with costs by distress and sale of the goods and chattels of the party aforesaid, in any Township, Village, Town or City, which for judicial purposes shall be within the same County, and to which such party shall have so removed, or in which he shall reside, or of any goods or chattels in his possession therein, and if in any case the taxes payable by any party cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the City, Town, Township or Village in a competent Court in this Province; and the production of a copy of so much of the Collector's Roll as shall relate to the taxes so payable by such party, purporting to be certified as a true copy by the Clerk of such City, Town, Township or Village, shall be *prima facie* evidence of the debt; and the taxes accrued or to accrue on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrances of any party except the Crown, and shall not require registration to preserve it.

Taxes not otherwise recoverable may be recovered by common action.

Copy of Collector's Roll to be *prima facie* evidence of amount due. Taxes to be a special lien on the land.

XLVI. And be it enacted, That on or before the fourteenth day of December, in each year, or on such other day in each year as the Municipal Council of the County shall have appointed, which day shall not be later than the first of March next following, it shall be the duty of each Collector to return his Collection Roll to the Treasurer of the Township, Village or Town, or City Chamberlain, and to pay over the amount payable to such Treasurer or Chamberlain, specifying how much of the whole amount paid over is on account of each rate entered in a separate column on his Collection Roll.

Collector to return his Roll and pay over proceeds on the day to be appointed by Municipal Council.

XLVII. And be it enacted, That if any of the taxes mentioned in the Collector's Roll shall remain unpaid, and the Collector shall not be able to collect the same, he shall deliver to the Township, Village or Town Treasurer, or City Chamberlain, an account of all the taxes remaining due on the said Roll; and in such account the Collector shall shew, opposite to each separate assessment, the reason why he could not collect the same, by inserting in each case the words "non resident" or "no property to distraint" as the case may be, and upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums, whereon he could levy the same, he shall be credited with the amount thereof.

Proceedings if any taxes are returned as unpaid.

NON-RESIDENTS.

XLVIII. And be it enacted, That the Commissioner of Crown Lands shall, during the month of January in every year, after the passing of this Act, transmit to the Treasurer of every County, a list of all the Lands within the said County granted or leased or in respect of which a license of occupation has issued during the preceding year, and of all ungranted Lands of which no person has received permission to take possession, and also of all lands on which instalments of purchase money or rent or any other sum of money shall be over-due and unpaid, a copy of which the Treasurer is hereby required to furnish to the Clerk of each Municipality in the County as far as regards lands in such Municipality; and the said Clerks shall furnish to the Assessors a statement shewing what Lands are liable to Assessment within their Assessment Districts, respectively.

Lists of lands granted or leased, &c., to be furnished annually to County Treasurer by Commissioner of Crown lands.

XLIX. And be it enacted, That it shall be the duty of the Treasurer of each Municipality, within fourteen days after the time determined as hereinbefore provided for the return and final settlement of the Collector's Roll, to furnish the Treasurer of the County with a correct copy of such Roll, so far as the same relates to all the lands of the Municipality, distinguishing the rates with which they may be chargeable and the sums paid, and

Correct copies of Collector's Roll to be furnished by Treasurer of Municipality to Treasurer of County, as far as regards lands.

and if any such rates only affect lands in a certain locality, with a description of such locality, and also with an account of all arrears remaining due upon lands on account of any rate imposed by School Trustees, and generally with any other information which the Treasurer of the County may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in such Township for that year.

After Collector's Roll has been returned, collection of arrears to belong to Treasurer of County only.

L. And be it enacted, That from and after the time when the Collector's Roll has been returned to the Township Treasurer, no more money shall be received on account of the arrears then due by any officer of the Municipality to which such Roll relates; but the collection of such arrears shall belong to the Treasurer of the County alone, and he shall receive payment of any such arrears and of all the taxes on lands of non-residents hereinbefore required to be returned and certified to him by the Clerk of each Municipality, and he shall give a receipt therefor, specifying the amount paid, the period for which it is paid, the lot or parcel of land upon which it is paid, and the Concession and Township in which such land lies, and the date of payment, and the Treasurer shall not receive any part of the tax charged against any parcel of land, unless the whole arrears then due be paid, or satisfactory proof be produced of the previous payment or erroneous charge, of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been sub-divided, he may receive the proportionate amount of the tax chargeable upon any of the sub-divisions, and leave the other sub-divisions chargeable with the remainder, and the Treasurer shall on demand made, give to the owner of any land charged with arrears of taxes, a written statement of such arrears at that date, and he shall be authorized to charge One Shilling for the search on each separate lot or parcel, but the Treasurer shall not make any charge for search to any person who shall forthwith pay the taxes, or who shall transmit to the Treasurer a schedule of his lands for the purpose of ascertaining the amount of taxes thereon, provided he shall pay the taxes within one month after being furnished with a statement of the amount thereof.

He shall not receive part of the taxes due on any land;

But he may receive those on any subdivision of a lot established to his satisfaction.

Fees.

Lands on which taxes remain unpaid to be entered in books kept for the purpose, by the County Treasurer, &c.,

Books to be made up and balanced yearly.

LI. And be it enacted, That it shall be the duty of the Treasurer of every County to keep books in which he shall enter under the heading of each Municipality in his County, all the lands in such Municipality, on which it shall appear from the returns made to him by the Clerk of the Municipality, and from the Collector's Roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall on the first day of May in every year, complete and balance his books by entering against each parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year, which may remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

LII.

LII. And be it enacted, That if it shall appear to the Treasurer at the settlement to be made on the first day of May as aforesaid, that any parcel of land liable to assessment has not been assessed, it shall be the duty of the Treasurer to report the same to the Clerk of the Municipality, and it shall be lawful for the Clerk of such Municipality to enter such parcel of land on the Collector's Roll of the following year or the Roll of non-residents, as the case may be, as well for the arrears omitted as for the tax of that year; and if it shall appear to the Treasurer that any parcel of land assessed has not been included in the Collector's Roll, in the return made to him by the Clerk, or that having been included in the Collector's Roll, the tax thereon has not been paid, he shall be authorized to insert such parcel of land, and the just tax thereon, in his books; or if it shall appear that any parcel of land has been placed on the return of non-resident lands made to him, which is not liable to assessment, or which has also been placed upon the Collector's Roll and the tax thereon has been paid, he shall be authorized to erase such tax from his books, and may otherwise correct any palpable error or any error which may from time to time be certified to him by the Clerks of the several Municipalities; but if any person shall produce to him in satisfaction of a tax, any paper purporting to be a receipt of any Collector, School Trustee, or other Town, Village or Township Officer, he shall not accept such proof, until he shall have received a report upon the same from the Clerk of the Municipality interested, certifying the correctness thereof.

Proceedings where any land shall be found not to have been assessed in any year.

And if any lot has not been included in Collector's Roll.

As to pretended receipts, &c.

LIII. And be it enacted, That at the balance to be made on the first day of May in every year, if it shall appear that there is any arrear of tax due upon any parcel of land, the Treasurer shall add to the whole amount then due, ten per cent. thereon.

Ten per cent. to be added to arrears yearly.

LIV. And be it enacted, That it shall be lawful for the County Treasurer, whenever he shall be satisfied that there is distress upon any lands of non-residents in arrear for taxes, to issue a warrant under his hand and seal to the Sheriff of the County, who shall thereby be authorized to levy the amount due upon any goods and chattels found upon the land, in the same manner and subject to the same provisions as are contained in the forty-second, forty-third and forty fourth Sections of this Act, with respect to distress made by Collectors.

If there be distress upon lands of non-residents, County Treasurer may authorize Sheriff to levy.

LV. And be it enacted, That whenever a portion of the tax on any land has been due for five years, the Treasurer of the County shall issue a Warrant under his hand and seal directed to the Sheriff of the County, commanding him to levy upon the said lands for the amount of arrears due thereon with his costs, and after the issuing of the Warrant, the Treasurer shall receive no payment on account of the sums contained in the Warrant; Provided always, that the Municipal Council of the County may, at their discretion, direct that no such Warrant shall issue

Arrears of taxes on lands remaining due for five years to be levied by warrant of the Treasurer to Sheriff, commanding him to levy the same,

Proviso:
County may
extend the
period, &c.

to the Sheriff until some portion of the arrears shall have been due for such other period longer than five years as the said Council may by By-law prescribe, and also that they may direct such parcels of land only to be included in the warrant as are chargeable with an arrear of tax exceeding a certain sum to be determined by such Council.

Distinction to
be made in
such warrant
and Sheriff's
advertisements,
between lands
leased by the
Crown and
those granted
by Patent.

LVI. And be it enacted, That the Treasurer in the Warrant hereinbefore required to be issued shall distinguish such Lands as have been patented from those which are under a lease or license of occupation, and of which the fee still remains in the Crown; and the Sheriff in the advertisements hereinbefore required shall similarly distinguish the Lands patented from those the fee of which is in the Crown, and if he shall sell any of the latter Land he shall only sell the interest therein of the lessee or locatee and it shall be so distinctly expressed in the conveyance to be made by the Sheriff, and such conveyance shall give the purchaser the same rights in respect of the Land as the original lessee or locatee enjoyed, and shall be valid without requiring the assent of the Commissioner of Crown Lands.

Proceedings
to be taken by
Sheriff on re-
ceipt of war-
rant.

LVII. And be it enacted, That immediately upon receipt of the Warrant, the Sheriff shall prepare a list of all the lands included therein, and the amount of arrears due on each parcel, and shall cause the same to be published for the space of three months in the government *Official Gazette*, and in some one newspaper published within the County, or if none be so published, in some newspaper published in an adjoining County, which advertisement shall contain a notification that unless the arrears be sooner paid, he will proceed to sell the said lands for the taxes, on some day to be named in the advertisement, which day shall be more than three months after the first publication thereof, and he shall add to all the arrears so published, their proportionate shares of the cost of publication according to their amounts respectively, and the Sheriff shall also post a notice similar to the advertisement hereby required, in some convenient and public place at the Court House of the said County, at least three weeks before the time of sale.

Advertis-
ment.

Costs.

Posting up
notice.

In case of
distress being
found on the
lands, Sheriff
to levy there-
on.

LVIII. And be it enacted, That at any time after the receipt of the Warrant, if the Sheriff shall have good reason to believe that there is distress upon any parcel of land included therein, he shall levy the arrears of taxes and the costs by distress and sale of any goods and chattels found on the land in the same manner and subject to the same provisions as is required by the forty-second, forty-third and forty-fourth sections of this Act; but no subsequent sale of any such parcel of land by the Sheriff shall be held to be illegal or invalid by reason of there having been any goods and chattels thereon before or at the time of the sale, and the Sheriff having neglected to levy the tax by the distress and sale of the same.

Proviso.

LIX. And be it enacted, That if the taxes shall not have been previously collected, or if no person shall appear to pay the taxes at the time and place appointed for the sale, the Sheriff shall sell by Public Auction, so much of such lands as shall be sufficient to discharge such taxes, and all lawful charges incurred in and about such sale, and the collection of such taxes, selling in preference such part of such real estate as he may consider it most for the advantage of the owner to sell first, and stating distinctly in the certificate to be delivered by him to the purchaser, what part of the Lot is so sold, or that the whole Lot or estate is so sold, as the case may be, and within one month after the date of the sale the Sheriff shall make a detailed return to the Treasurer of each separate parcel of land included in the Warrant, and shall pay to him the money levied by virtue thereof. And if at the time appointed for the sale no bidders shall appear, the Sheriff may adjourn the sale from time to time at his discretion, and if the purchaser of any parcel of land shall fail on demand to pay to the Sheriff the amount of the purchase money, the Sheriff may forthwith proceed to put up such property for sale again.

Mode in which the lands shall be sold by the Sheriff.

Sheriff's return.

If there be no bidders.

LX. And be it enacted, That the Sheriff selling any lands for taxes, shall give a certificate under his hand to the purchaser, describing the land sold, the quantity of such land, the sum for which it was sold and the expenses of sale, and stating that a Deed conveying the same to such purchaser will be executed by the Sheriff on his demand, at any time after the expiration of one year from the date of such certificate, if the land be not previously redeemed.

Sheriff selling, to give purchaser a certificate of land sold.

LXI. And be it enacted, That the purchaser of any land sold for taxes under this Act, shall, on receipt of the Sheriff's certificate of sale, become the owner thereof, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but may use the same without deteriorating its value; Provided always, that from and after tender to the Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Purchaser of lands sold for taxes, to be deemed owner thereof for certain purposes on receipt of Sheriff's certificate.

Proviso.

LXII. And be it enacted, That if at the time when this Act shall come into force no advertisement or sale of land for arrears of taxes shall have taken place in any County at the time required by the Upper Canada Assessment Act of one thousand eight hundred and fifty, the sales of such lands thereafter shall not on that account be illegal, but all arrears of taxes and the expenses of advertising (if any) may be collected under this Act, and on non-payment thereof, any parcel of such

Taxes now due may be collected under this Act, notwithstanding failure to sell or advertise as required by assessment Act of 1850.

such lands, as soon as any part of the tax thereon has been five years in arrear, may be sold according to the provisions of this Act.

Sheriff to receive 5 per cent. commission on moneys by him collected.

Fees for distress and sale, &c.

May be added to amount in warrant.

No other fees payable.

Proviso: expenses of search in Registrar's Office.

Owners may within one year redeem estate sold, by paying purchase money and 10 per cent. thereon.

After expiration of year allowed for redemption, Sheriff to deliver a Deed of sale of land to purchaser.

LXIII. And be it enacted, That every Sheriff shall be entitled to receive five per cent commission upon all sums collected by him under any Warrant hereinbefore required to be issued by the Treasurer of the County, and whenever any distress of goods and chattels is made by the Sheriff under such Warrant, he may proceed to sell the same in the same manner and subject to the same provisions as are contained in the forty-second, forty-third and forty-fourth Sections of this Act, with respect to distress made by a Collector, and he may charge Ten Shillings for each distress and sale ; and whenever any land is sold by a Sheriff according to the provisions of the fifty-ninth Section of this Act, he may receive the sum of Five Shillings for the sale of each separate parcel, and the Sheriff may add the commission and fees which he is hereby authorized to charge for the services above mentioned, to the amount of arrears included in the Treasurer's Warrant on those lands in respect of which such services were severally performed, and he shall be entitled to no other fees or emoluments whatever, for any services rendered by him relating to the collection of arrears of taxes on lands: Provided always that if the Sheriff cannot give a sufficient description of any land sold by him without a search in the Registrar's Office to ascertain the description and boundaries of the whole parcel as returned to him in the Treasurer's Warrant, he shall in addition to the charges hereinbefore authorized be entitled to charge the fee for the necessary search.

LXIV. And be it enacted, That the owner of any real estate which may hereafter be sold for non-payment of taxes, or his heirs, executors, administrators or assigns, may at any time within one year from the day of sale, redeem the estate sold by paying or tendering to the County Treasurer, for the use and benefit of such purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the said Treasurer shall give to the party paying such redemption money, a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

LXV. And be it enacted, That if the land be not redeemed within the period hereinbefore allowed for its redemption, the Sheriff shall, on the demand of the purchaser, at any time after the expiration of the said period of one year, and on payment of the sum of Five Shillings to him by such purchaser, execute and deliver a Deed of Sale of such land to the purchaser, his heirs and assigns ; and such Deed shall state the date and cause of the sale and the price, and shall describe the land by its situation, boundaries and quantity, and shall have the effect of vesting the land in the purchaser, his heirs and assigns in fee

fee simple, free and clear of all charges and incumbrances thereon, except taxes accrued since those for the non-payment whereof it was sold; and the Sheriff shall also give the purchaser a Certificate of the execution of such Deed, containing the particulars aforesaid, under his hand and seal, which for the purpose of registration of the Deed in the Registry Office of the proper County shall be deemed a Memorial thereof, and the Deed shall be registered, and Certificate of the Registry thereof granted by the Registrar on production to him of the Deed and Certificate, and without further proof; and the Registrar shall, for the Registry and Certificate thereof, be entitled to Three Shillings and Six Pence, and no more.

Certificate for registration.

Fee to Registrar.

LXVI. And be it enacted, That the Registrar of every County shall register any Sheriff's Deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, according to the provisions of the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His Majesty George the Fourth, and intituled, *An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments, by providing under certain restrictions, for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged,* notwithstanding the repeal of the said Act by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to repeal the Acts and provisions of law relative to Assessments and matters connected therewith in Upper Canada.*

Registrar of Counties to register Sheriff's Deeds of lands sold for taxes before 1851, under Act of U. C. 6 G. 4, c. 7;

Notwithstanding repeal of that Act by 13 & 14 V. c. 66.

LXVII. And be it enacted, That the Sheriff shall enter in a book, to be furnished by the County, a full description by metes and bounds, of each parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, which book shall be returned to the Treasurer after the aforesaid entries are made, and shall by him be kept, together with all copies of Assessors and Collectors' Rolls and other Documents relating to non-resident lands, amongst the records of the County.

Sheriff to enter in a book description of lands conveyed to purchasers by him.

LXVIII. And be it enacted, That all the moneys which may at any time be received by the County Treasurer on account of the taxes on non-resident lands in any Municipality in the County, whether the same be paid to him directly or be levied by the Sheriff, shall be and constitute a distinct and separate fund, which shall be called the "Non-Resident Land Fund" of such County, and the Treasurer shall open an account for each Municipality

Non-Resident Land Fund established in each County, and of what it shall consist.

Counties united and afterwards disunited.

Municipality with the said fund ; and if any two or more Municipalities having been united for Municipal purposes are afterwards disunited, or if any Municipality or part of Municipality shall hereafter be added to or detached from any County or to or from any other Municipality, the Treasurer shall make such corresponding alterations in his books, as that any arrears due on account of any parcel or lot of land at the date of the alteration, shall be placed to the credit of the Municipality within which the land after such alterations shall be situate ; and if any union of Counties shall be about to be dissolved, all the taxes on non-residents' land imposed by By-laws of the Provisional Municipal Council of the Junior County, shall be returned to and collected by the Treasurer of the United Counties, and not by the Provisional Treasurer, and the Treasurer of the United Counties shall open an account forthwith for the Junior County with the non-resident land fund.

If any union be about to be dissolved.

All arrears to form one charge upon the lands subject to them, &c.

LXIX. And be it enacted, That the Treasurer of the County shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears from whatever rates arising shall be taken together and form one charge on the land, and each Municipality in paying over any school or local rate, or its share of the Lunatic Asylum tax or of any County rate, shall supply out of the general funds of the Municipality any deficiency arising from the non-payment of any tax on land, and all sums which may at any time be paid to any Municipality out of the Non-Resident Land Fund of the County, shall form part of the general funds of such Municipality ; Provided always, that the several Municipalities shall not be held answerable for any deficiency arising from abatements or inability to collect any tax on personal property.

Deficiencies in certain taxes to be supplied by the Municipality.

Proviso.

Debentures may be issued on the credit of the Non-Resident Land Fund, &c.

LXX. And be it enacted, That it shall be lawful for the Municipal Council of the County from time to time, by By-law, to authorize the Warden to issue Debentures upon the credit of the said Non-Resident Land Fund for sums not less than Twenty-five Pounds each, so that the whole of the Debentures, at any time issued and unpaid, shall not exceed two thirds of all the arrears then due and accruing upon the lands in the County, together with such other sums as may be in the Treasurer's hands, or otherwise invested to the credit of the said fund ; and such Debentures shall be negotiated by the Warden and Treasurer of the County, and the proceeds shall be paid into the said fund, and the interest thereon, and the principal, as they fall due, shall be payable out of the said fund, and such Debentures shall in no case be at a longer date than eight years.

By whom to be negotiated.

Payment of interest on such Debentures.

LXXI. And be it enacted, That if at any time it shall occur, that there shall not be in the Non-Resident Land Fund moneys sufficient to pay the interest upon any Debenture, or to redeem the

the same when due, such interest or Debentures shall nevertheless be payable out of the General County Funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other County Debentures.

tures provided for.

LXXII. And be it enacted, That it shall be lawful for the Municipal Council of the County, from time to time, to pass By-laws apportioning the surplus moneys in the Non-Resident Land Fund amongst the several Municipalities, rateably according to the moneys received and arrears due on account of the non-Resident lands in each Municipality; but such apportionment shall always be so limited that the Debentures unpaid shall never exceed two thirds of the whole amount to the credit of such fund.

Surplus of the non-Resident Land Fund to be divided among municipalities.

LXXIII. And be it enacted, That the Treasurer shall not be entitled to charge to, or receive from the person paying taxes, any per centage thereon, but may receive from the fund such per centage upon all moneys in his hands, or such fixed salary in lieu thereof, as the County Council may by By-law direct.

Treasurer's per centage or salary how paid.

LXXIV. And be it enacted, That it shall be the duty of the County Treasurer to prepare and submit to the County Council at its first Session in January every year, a Report, certified by the Auditors, of the state of the non-Resident Land Fund, which Report shall contain an account of all the moneys received and expended during the year, ending on the thirty-first of December next preceding, distinguishing the sums received on account of and paid to the several Municipalities, and received and paid on account of interest or Debentures negotiated or redeemed, and the sums invested and balance in hand; a list of all Debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in each Municipality, and the amount due on Lands then advertised for sale, and which by law may be advertised during the ensuing year; and it shall be the duty of the Warden to cause a copy of such Report to be transmitted to the Provincial Secretary for the information of the Governor General.

Annual statement of the said Fund to be submitted to the County Council by the Treasurer: what it shall shew.

Copy to be transmitted to Provincial Secretary.

LXXV. And be it enacted, That whenever in the foregoing Sections providing for the collection, funding and management of the arrears of taxes on the land of non-Residents, the words, "County," "Treasurer" and "Sheriff" occur, such words, as far as relates to the collecting, funding and managing the arrears of taxes on the lands of non-Residents in Cities, shall be held to mean respectively, "City," "Chamberlain" and "High Bailiff."

Interpretation of certain words, in foregoing sections.

RESPONSIBILITY OF OFFICERS.

Treasurers and Collectors to give security, and how.

LXXVI. And be it enacted, That every Township, Village, Town or County Treasurer, or City Chamberlain, and every Collector, before entering upon the duties of his office, shall enter into a bond with two or more sufficient sureties, in such sum as the Municipal Council of the County or the Township, Village, Town or City Council shall require by any By-law to be passed in that behalf, and in the manner required by such By-law, and in conformity to all the provisions thereof, and such sureties shall be to the satisfaction of such Municipal Corporations respectively, and such bond shall be to the Township, Village, Town, City or County by its corporate name, and shall be conditioned for the faithful performance of the duties of such Treasurer, Chamberlain or Collector.

Penalty on Assessors or Clerks failing to perform their duty : and how such penalty shall be enforced.

LXXVII. And be it enacted, That if any Assessor or Clerk shall refuse or neglect to perform any of the duties required of him by this Act, he shall, for every such offence, upon conviction thereof before the Recorder's Court of any City, or before the Court of General Quarter Sessions of any County in which he shall be Assessor or Clerk, forfeit the sum of Twenty-Five Pounds to Her Majesty, Her Heirs and Successors ; and if any Assessor shall neglect, or from any cause omit to perform his duties, the other Assessor or Assessors for the same locality, if there be more than one, or either of them, shall, until a new appointment, perform his duties, and shall certify upon their Assessment Roll the name of such delinquent Assessor, and shall state, if he or they know it, the cause of such omission.

Other Assessors may act for those in default.

Punishment of Clerks, Assessors or Collectors making any fraudulent assessment, collection, &c.

LXXVIII. And be it enacted, That if any Clerk, Assessor or Collector, acting under this Act, shall make any unjust or fraudulent assessment or collection, or copy of any Assessor's or Collector's Roll, or shall wilfully and fraudulently insert the name of any person who should not have been entered in such Roll, or omit the name of any person who should have been entered in such Roll, according to the true intent and meaning of this Act, or shall wilfully omit any duty required of him by this Act, he shall be guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, he shall be liable to a fine not exceeding Fifty Pounds (and to imprisonment until the fine shall be paid,) or to imprisonment in the Common Gaol of the County or City, for a period not exceeding six calendar months, or to both, in the discretion of the Court whose duty it shall be to pass the sentence of the law on such offender ; and proof to the satisfaction of the Jury, that any real property was assessed by such Assessor at an actual or yearly value, greater or less than its true actual or yearly value, by thirty per centum thereof, shall be *prima facie* evidence that such assessment was fraudulent and unjust, and the Assessor convicted of having made any fraudulent and unjust assessment, shall be sentenced to the greatest punishment, both of fine and imprisonment, allowed by this Act.

Evidence of such fraud.

LXXIX. And be it enacted, That if any Collector shall refuse or neglect to pay to the Township, Village or Town Treasurer or City Chamberlain, or to such other person as shall be legally authorized to receive the same, the sums contained on his Roll, or duly to account for the same as uncollected, the Treasurer of the Municipality or City Chamberlain shall, within twenty days after the time when such payments ought to have been made, issue a Warrant under his hand and seal, directed to the Sheriff of the County, or to the High Bailiff of such City, commanding him to levy such sum as shall remain unpaid and unaccounted for, with costs, of the goods, chattels, lands and tenements of such Collector or his sureties, and to pay to the Treasurer of the Municipality or City Chamberlain, the sum so unaccounted for, and to return such Warrant within forty days after the date thereof, which Warrant the said Treasurer or Chamberlain shall immediately deliver to the Sheriff of the County or High Bailiff of the City, as the case may require.

Proceedings for compelling Collectors or Treasurers to account for or pay over moneys in their hands, by warrant to Sheriff or High Bailiff

LXXX. And be it enacted, That the Sheriff or High Bailiff to whom the Warrant is directed, shall, within such forty days, cause the same to be executed, and make return thereof to the Treasurer or City Chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation which the Collector would have been entitled to retain.

Sheriff, &c. to execute such Warrant.

LXXXI. And be it enacted, That if any Sheriff or High Bailiff shall refuse or neglect to levy such money, or any money which he shall be commanded to levy in any Warrant lawfully issued under this Act by any Treasurer or Chamberlain, or to pay over the same, or shall make a false return to such Warrant, or neglect or refuse to make any return, or shall make an insufficient return, it shall and may be lawful for the Treasurer or Chamberlain, to make application in a summary manner upon affidavit of the facts, to either of the Superior Courts of Common Law Jurisdiction in Upper Canada in term time, or to any Judge of either of the said Courts in vacation, for a Rule or Summons calling upon such Sheriff or High Bailiff to answer the matter of such affidavit, which said Rule or Summons shall be returnable at such time as the Court or Judge shall direct; and upon the return of such Rule or Summons, it shall and may be lawful for the Court or Judge to proceed in a summary manner upon affidavit, and without formal pleadings, to hear and determine the matters of such application; and if the Court or Judge shall be of opinion that the Sheriff or High Bailiff has refused or neglected to levy such money, or to pay over the same, or has made a false return or neglected or refused to make any return, or has made an insufficient return, it shall and may be lawful for the Court or Judge, and the Court or Judge is hereby required to order the proper officer of such Court to issue a Writ of *Fieri Facias* adapted to the case, directed to a Coroner of the County in which the said City or other

Sheriff or High Bailiff neglecting to levy under such Warrant, &c., to be responsible there for, and mode of enforcing such responsibility.

other Municipality is situate, which said Writ shall direct the said Coroner to levy of the goods and chattels of the said Sheriff or High Bailiff, such sum as such Sheriff or High Bailiff may have been ordered to levy by the Warrant of the said Treasurer or City Chamberlain, together with the costs of such application and of execution; and such Writ shall bear date on the day of issuing the same, whether in term or in vacation, and shall be returnable forthwith, and the Coroner executing any such Writ shall be entitled to the same fees and no more, as upon a Writ grounded upon a judgment of the Court.

Fees to Coroner.

Penalty on Sheriff or High Bailiff wilfully neglecting his duty under this Act.

LXXXII. And be it enacted, That if any Sheriff or High Bailiff shall wilfully omit to perform any duty required of him by this Act, and no other penalty be hereby imposed for such omission, he shall be liable to a penalty of Fifty Pounds, to be recovered from him in any Court of competent Jurisdiction at the suit of the Treasurer of the County or Chamberlain of the City; and the said penalty, as well as any penalties recovered under the preceding sections, shall be paid to the Treasurer or Chamberlain for the uses of the Municipality or City respectively.

Application of Penalty.

Moneys leviable under the U. C. Public Building Act, 13 & 14 V. c. 68, to be assessed, &c, in like manner as other local taxes.

LXXXIII. And be it enacted, That all money to be assessed, levied and collected under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and under which, any moneys raised by local assessment or taxes are payable to the Receiver General of the Province, or to any other Public Officer of this Province, for the public uses of the Province or for any special purpose or use mentioned in such Act, shall be assessed, levied and collected by and accounted for and paid over to the same persons and in the same manner and at the same time, as local taxes, rates or assessments imposed on the same property for County or City purposes; and any such moneys as aforesaid shall in Law and Equity be deemed and taken to be moneys collected for such County or City so far as to charge every Collector, Chamberlain or Treasurer with the same, and to render him and his sureties responsible for the same and for every default or neglect of such Collector, Chamberlain or Treasurer in regard to the same in like manner as for or with regard to moneys to be assessed, levied and collected for the use of such City or County.

To be deemed moneys collected for County or City purposes, so as to charge the Collector, &c.

How such moneys shall be paid over when collected:

LXXXIV. And be it declared and enacted, That all moneys collected by any Township, Town or Village Collector for County purposes or for any of the purposes mentioned in the next preceding section, are and shall be payable by such Collector to the Township, Town or Village Treasurer, and by him

him to the County Treasurer, and that the Township, Town or Village Municipality is and shall be responsible for all such moneys to the County Municipality, and that any bond and security given by any Collector or Treasurer to the Township, Town or Village Municipality, that he will duly account for and pay over all moneys collected or received by him, does and shall apply to all moneys collected or received by such Collector or Treasurer for County purposes, or for any of the purposes mentioned in the next preceding section.

Local Treasurer to be accountable for them.

LXXXV. And be it enacted, That the Treasurer of every Township, Town or Village shall within fourteen days after the time appointed for the final settlement of the Collector's Rolls, pay over to the Treasurer of the County all moneys which were assessed and by law required to be levied and collected in the Municipality for County purposes, or for any of the purposes mentioned in the eighty-third section of this Act, (retaining for his fees two and a half per cent. thereon,) and if default is made in such payment, the County Treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to such Municipality, or may recover the same by a suit or action for debt, or may, whenever the same has been an arrear for the space of three months, by Warrant under his hand and seal, reciting the facts, direct the Sheriff of the County to levy and collect the amount so due with interest and costs from the Municipality in default; and the Sheriff upon the receipt of such Warrant shall proceed to levy and collect the said amount, as if the said Warrant had been a Writ of Execution issued by a competent Court of law, and he shall levy the said amount in the same manner and shall charge the same costs as is provided by the one hundred and seventy-ninth section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, in cases of Writs of Execution.

Treasurer of Township, &c., to pay over money raised for County purposes, to the County Treasurer.

Mode of enforcing such payment.

How the Sheriff shall levy the amount.

LXXXVI. And be it enacted, That the County Treasurer or City Chamberlain shall be accountable and responsible to the Crown for all moneys to be assessed, levied and collected for any of the purposes mentioned in the eighty-third section of this Act, and he shall pay over such moneys to the Receiver General, less two and a half per cent. to be retained for himself, and the two and a half per cent. retained by the several Township, Town or Village Treasurers as hereinbefore authorized.

County Treasurer and Chamberlains of Cities to account to the Crown for certain moneys.

LXXXVII. And be it declared and enacted, That each and every County or City is and shall be accountable and responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer or Chamberlain of such County or City in virtue of his office, shall be by him duly paid over and accounted for according to law; and such Treasurer or Chamberlain and his sureties shall be

Counties and Cities to be responsible to the Crown and other parties that the moneys coming into their Treasurers'

responsible

hands shall be
duly account-
ed for and paid
over.

Treasurer
and his sure-
ties to be res-
ponsible to
City or Coun-
ty, &c.

responsible and accountable for such moneys in like manner to the County or City, and any Bond or Security given by him that he will duly account for and pay over moneys coming into his hands belonging to such County or City, shall be taken and shall apply to all such moneys as are first above mentioned in this section, and may be enforced against such Treasurer or Chamberlain in case of default on his part, duly to account for and pay over any such moneys; and that if such default shall relate to School moneys or other Public moneys of the Province, Her Majesty may enforce the responsibility of the County or City, by stopping or retaining a like amount out of any Public moneys which would otherwise be payable to such County or City, or to the Treasurer or Chamberlain thereof, or by suit or action against such Corporation; and any party aggrieved by the default of any such Chamberlain or Treasurer may recover the amount due or payable to him, from the Corporation of such City or County, as money had and received to his use.

MISCELLANEOUS.

Penalty for
tearing down
notices, &c.
posted up.

LXXXVIII. And be it enacted, That if any person shall wilfully tear down, injure or deface any Assessment Roll, advertisement, notice, or other document, which is required by this Act to be posted up at some public place for the information of all persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace, or any other person acting in that capacity, and having jurisdiction in the locality, be liable to a fine of Five Pounds.

Recovery of
fines imposed
by this Act.

LXXXIX. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, when it is not otherwise herein provided, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant of Distress for that purpose, to be issued by the Justice or other person before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such Warrant, such offender shall and may be committed to the Common Gaol of the County for any period not exceeding one month.

Extent of Act.
Interpretation
Clause.

XC. And be it enacted, That this Act shall apply solely to that part of the Province called Upper Canada; that the Interpretation Act shall apply to this Act; that the words "County" and "Township" shall be held to include Unions of Counties and Townships while such Unions shall continue; and that the word "Ward" shall not be held to extend to or apply to any rural ward in any Township; and the words "County Council" shall include "Provisional County Council," unless there be something in the subject or context repugnant to such construction.

XCI. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, and not before, except the section next following which shall come into force immediately after the passing of this Act.

Commencement of Act.
Exception.

XCII. And be it enacted, That if any new Municipality has been erected or set apart within any County so that there shall be no Assessment Rolls of such new Municipality for the year one thousand eight hundred and fifty-two, and that the just share of any County tax for the year one thousand eight hundred and fifty-three cannot be ascertained according to the provisions of the Assessment Law Amendment Act of 1851, the County Council shall nevertheless at the meeting to be held on the third Monday in June of the current year, in order to equalize the Assessment Rolls, examine the Rolls of one thousand eight hundred and fifty-two, of the former Municipality or Municipalities of which such new Municipality then formed part, and ascertain to the best of their judgment, what part of the assessment of such Municipality had relation to the new Municipality, and what part should continue to be accounted as the assessment of the original Municipality, and their several shares of the County tax for the year one thousand eight hundred and fifty-three, shall be apportioned between them accordingly.

Case of new Municipalities in any County provided for, as regards their share of County taxes for 1853.

XCIII. And be it enacted, That in citing and referring to this Act in any Statute, pleading, instrument or otherwise, it shall be sufficient to use the expression "The Consolidated Assessment Act of Upper Canada, 1853."

Short title of Act.

SCHEDULE A.

- Column 1, Name of taxable party.
- Column 2, Number of Concession, Street, Square or other designation of the local division in which the real property lies.
- Column 3, Number of Lot, House, &c., in such division.
- Column 4, Number of Acres, or other measures, shewing the extent of the property.
- Column 5, Rental of each separate parcel of real property.
- Column 6, Yearly value of each separate parcel, when the rental is not assessed.
- Column 7, Actual value of each separate parcel.
- Column 8, Actual value (or yearly value) of all the real property of the party assessed.

Column

Column 9, Amount of taxable income.

Column 10, Total value of personal property.

Column 11, Yearly value of the same.

N. B.—Columns 5, 6 and 11 apply only to Cities, Towns and Villages, and column 7 only to Townships.

SCHEDULE B.

Appeals to be heard at the Court of Revision, to be held at _____ on the day of _____

APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
A. B.	Self.	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	I. K.	Not <i>bonâ fide</i> occupant.
L. M.	N. O.	Personal property undercharged.
&c.	&c.	&c.

SCHEDULE C.

Take notice that you are required to attend the Court of Revision at _____ on the _____ day of _____ in the matter of the following appeal :

Appellant _____ (G. H.)

Subject (that you are not a *bonâ fide* occupant.)

To J. K.

(Signed,) _____ X. Y.
Township Clerk.

CAP. CLXXXIII.

An Act to provide for the recovery of the Rates and Taxes intended to be imposed by certain By-laws of the late District Councils of Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS the District Councils of several of the late Districts of Upper Canada, intending to carry into effect the enactments of the Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local and Municipal authorities therein*, have, since the passing of the said Act, passed divers By-laws imposing rates or taxes on lands in the said Districts, and the rates or taxes so imposed, have been paid by the great majority of the inhabitants and land-holders therein; And whereas it appears that the total sum or sums to be raised under such By-laws, and the purposes to which they were to be applied, were not first determined by some of the said District Councils, and the sums afterwards apportioned and rated on the lands in the said Districts, but a certain rate or tax of so much per acre was at once imposed on such lands, and that the said By-laws, or some of them, were otherwise informal, and contained provisions not strictly in accordance with the said Act; And whereas doubts may exist as to the true meaning and intention of the forty-first Section of the said Act, and it is expedient to remove any such doubts as to the powers intended to be conferred on such District Councils of imposing rates or taxes upon lands, and to legalize such rates as, if defective in form, were not inconsistent with the true intent and spirit of the Act above recited; And whereas in several of the said Districts certain lands were sold for arrears of taxes which had accrued under the said By-laws, and it is expedient to remove any doubts which may exist as to the legality of such sales, and to confirm them with such provisions and limitations as shall secure the owners of the lands from any injustice: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no By-law of any of the late District Councils of Upper Canada shall be quashed on account of any want of form, or on account of any of the provisions thereof not being in strict accordance with the letter of the Act hereinbefore

Preamble.

4 & 5 V.
c. 10.

Certain By-laws of late District Councils to be good if consistent with this Act.

hereinbefore recited, so long as such provisions are in accordance with the true intent and meaning of this Act.

Certain rates imposed by such By-laws confirmed.

II. And be it enacted and declared, That any rate or tax, or rates or taxes, intended to be imposed on the lands in any of the late Districts of Upper Canada, by any By-law or By-laws heretofore passed by the District Councils thereof, and not disallowed by the Governor, or quashed by any Court of competent jurisdiction, shall be held to be valid and justly chargeable on such lands, so long as the same did not in the whole exceed One Penny Half Penny currency, per acre, in any one year : Provided always, that no increase or accumulation of such rates, intended to be imposed or charged by any such By-law, in consequence of the non-payment of such rates, shall be held to be valid or chargeable on the said lands : Provided also, that if any such By-law or By-laws shall have taxed the lands in any District by the acre unequally so that a different tax was intended to be levied in different Townships or localities, or a different tax upon unoccupied land from that at which land was rated on the Assessment Rolls, the whole of the land in such late District shall be held chargeable only with the lowest tax per acre at which any of the land was so intended to be rated : Provided also, that nothing in this Act shall be held to make lawful any By-law disallowed by the Governor or quashed by any Court of competent jurisdiction as aforesaid, or the tax imposed by any By-law which rated or intended to rate unoccupied land only, and not all land.

Proviso.

Proviso.

Rate imposed by Act of U. C. 59 G. 3, c. 8, merged in tax imposed by said By-laws in certain cases.

III. And be it enacted and declared, That if the By-laws of any of the late District Councils shall have taxed or rated land by the acre at such an amount that the rate so imposed, together with the tax of one eighth of a Penny per acre, charged on unoccupied land, in lieu of Statute labour, by the Act of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province*, would in the whole amount to more than One Penny Half Penny per acre, the tax of one eighth of a Penny as aforesaid shall be held to have merged in the tax imposed by such By-laws, and the land shall not be held to be chargeable therewith ; but if the By-laws of any of the said District Councils shall have so taxed or rated the lands, that the District tax and the one eighth of a Penny as aforesaid, together, did not exceed One Penny Half Penny per acre, and if the said By-laws did not expressly release the land from the said tax of one eighth of a Penny, but the said tax continued to be demanded and received, from the date of the passing of the said By-law, then the unoccupied land shall be held also liable to the tax of one eighth of a Penny per acre.

Otherwise in certain other cases.

IV. And be it enacted and declared, That any sum or sums of money which shall have been paid to the Collector of any Township, in satisfaction of the rates charged on the Assessment Roll, or to the Treasurer of any District, or of any County since the abolition of Districts, in satisfaction of any tax upon land, shall not be recoverable, although such rate or tax may have exceeded that which might legally have been chargeable, or may have been imposed by an informal By-law of the said District Councils; and no surcharge or additional demand shall be made, if the sums so received by such Collector or Treasurer fell short of what was legally chargeable. And all land for or in respect of which any such rate or tax has been so paid, shall be released from any liability or charge for the year or years in respect of which such tax was paid; but all lands liable to assessment, and upon which payment has not been so made, shall be held chargeable with such tax, as is hereinbefore declared to be chargeable upon it, notwithstanding any informality in the By-laws by which such tax was intended to be imposed, provided that such By-laws shall not have been disallowed or quashed as aforesaid.

As to taxes already collected in Districts, under such By-laws.

In what cases lands shall or shall not be chargeable with such taxes.

V. And be it enacted and declared, That the subsequent repeal of any By-law of any District Council shall not be construed to have extinguished the arrears of the taxes imposed or intended to be imposed by such By-law, and which were due for the years previous to the repeal of the By-law: Provided always, that nothing herein contained shall be construed to continue the tax for the year in which such By-law was repealed, and another By-law passed in place thereof; but in all such cases the tax or arrear of tax shall for that year be taken to be that imposed by the repealing By-law.

Repeal of By-law did not extinguish arrears.

Proviso.

VI. And be it enacted, That within six months after the passing of this Act, it shall be the duty of the Treasurer of every County in Upper Canada, and he is hereby required to make out a list of every Lot or part of Lot in his County, upon which any taxes may appear to be unpaid and in arrear, whether the said taxes accrued before or after the establishment of District Councils. And he shall set down opposite each Lot or part of Lot the total sum which shall appear to be so due and in arrear up to the first of day of January, eighteen hundred and fifty-three, including in such total sum the proportional charge for the cost of the advertisement hereinafter required, and distinguishing the taxes due before any By-law of the late District Council came into force, the taxes due under such By-law or By-laws, and the taxes due since the establishment of County Councils. And he shall calculate the amount of tax due on each Lot according to the provisions of the Act last above cited or of the Act of Upper Canada, passed in the same year of the same Reign, and intituled, *An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide*

Treasurer of each County to make out a List of Lands on which taxes are in arrear.

What it shall shew.

Calculation of taxes.

Act of U. C. 59 G. 3, c. 7.

provide

provide for the more equal and general assessment of lands and other rateable property throughout this Province, and subsequent Acts of the Province of Upper Canada, amending the same, until such time as any By-law of the late District in which the land so in arrear was then included, came into force, altering the rate authorized and imposed by the said Acts; and from the time any such By-law as aforesaid came into force, and as long as it continued in force, he shall calculate the tax according to such of the provisions of this Act as define the rates and taxes which shall be chargeable upon the land in respect of the rates intended to be imposed by the By-laws of such District Councils.

Such Lists to be advertised: and in what papers.

VII. And be it enacted, That the Treasurer of each and every County in Upper Canada, shall cause such list of lands and arrears of taxes to be advertised for the space of one month in the Government Official Gazette, and in some one newspaper published within the County, or if none be so published, in some newspaper in an adjoining County, and no other advertisement of lands in arrears for taxes shall be required to be made, and no such arrears shall be included in the Collector's Roll, and no lands shall be sold for the non payment of such arrears during the present year; any thing in the Upper Canada Assessment Act of 1850 to the contrary notwithstanding.

Lands not to be sold during the present year.

Provision touching lands sold for taxes imposed by By-laws which have not been quashed.

List to be published, &c.

Proviso: certain lands so sold not to be included.

VIII. And be it enacted, That in case any lands have been sold for arrears of taxes, any part of which were calculated and claimed to be due under any By-law of any of the late District Councils, which has not been quashed as aforesaid the Treasurer of the County in which such lands were situated shall within three months after the passing of this Act, prepare and advertise as aforesaid a list of all the lands so sold and not afterwards redeemed, which list shall shew the date of sale, the amount for which the land or any portion of it was sold, the amount of tax, which was justly chargeable upon the land according to the provisions of this Act, up to the date when it was advertised previous to such sale, and also all the taxes which have been paid upon the land since the date of the sale: Provided always, that if in any District no By-law was passed imposing a rate on unoccupied land, or a By-law was passed which did not vary the tax to which such land was liable under the Assessment Laws then in force in Upper Canada, it shall not be necessary to advertise the lands sold in any such District, nor shall the lands so sold be liable to be redeemed in the manner provided by the Section of this Act next following.

Owners of lands included in List may redeem them, and within what time and

IX. And be it enacted, That at any time within one year after the date of the first publication of the advertisement required to be made by the next preceding Section, it shall and may be lawful for the owner of any Lot or parcel of land, or for any one duly authorized on his behalf, to pay to the said

Treasurer

Treasurer the amount justly chargeable on the land, as is hereinbefore provided, and interest thereon from the date of such sale to the date of payment, together with all taxes which have been paid by the purchaser subsequently to the sale of such lands, which payment shall be carried by the Treasurer to the account of the County; and the said Treasurer shall thereupon, without any charge, give to the person so redeeming a Certificate, in the form prescribed in the Schedule appended to this Act, and marked A, that the land has been redeemed, which Certificate the Registrar of the County is hereby required to register, upon the payment to him of a fee of Two Shillings and Six Pence, and such Certificate, and the registry thereof shall annul and make void the Deed formerly executed by the Sheriff to the purchaser of the land for arrears of taxes, and shall re-convey the land to the former owner, and give him right to the possession thereof as fully as if no such Deed of the Sheriff had been executed: Provided always, that if there shall be any improvements upon the land, and the land shall be in the occupation or possession of any person having a *bonâ fide* title or claim thereto, either as the purchaser at the sale for taxes or by Deed, Bond, or Written Agreement to sell from the purchaser, or from any person claiming through such purchaser, the original owner, before re-entering into possession, shall pay to such occupant reasonable compensation for his improvements made at any time after the expiration of one year from the date of sale and before the passing of this Act, and such compensation shall be determined in the manner and with the forms provided in case of erroneous surveys by the forty-ninth and fiftieth Sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, unless the said original owner choose rather to tender, and do tender to the said occupant a good and valid title to the land upon condition of his paying him the actual value thereof only, to be determined as aforesaid, in which case, and in default of such occupant paying such value within six months after the determination thereof as aforesaid, the said original owner shall have an absolute and unconditional right to evict such occupant and re-enter into possession of the land; and all costs incurred under this proviso shall be paid in any case by the occupant.

on what conditions.

Certificate of redemption.

Fees.

Proviso: as to improvements on such lands.

Compensation to be determined under 12 V. c. 35.

Exception.

X. And be it enacted, That one year after the date of the advertisement required to be made by the eighth Section of this Act, it shall be the duty of the Treasurer aforesaid to publish in the manner required for the other advertisements before mentioned, a list of all lands previously sold for taxes and conveyed by the Sheriff, but which have been redeemed in the manner provided by the ninth Section; And the said Treasurer shall at any time after the redemption of the land, upon the demand of the purchaser, and the surrender by him of the Sheriff's Deed, pay out of any County money in his hands the sum for which

List of redeemed lands to be published.

Repayment to purchasers.

the

the land was sold by the Sheriff, and the cost of the Sheriff's Deed and registry thereof, together with the interest upon the whole of such sums from the date of the sale to the date of redemption and the amount of all taxes which have been paid by the purchaser subsequently to the sale of such lands; and if the Treasurer shall refuse or neglect to pay the same, such total sum and interest shall become a debt due by the County Council of such County, and shall be recoverable in the manner provided by law for the recovery of other debts. And the Treasurer shall cancel the Deed so surrendered to him, by writing across the face of it a Certificate in the form prescribed in the Schedule appended to this Act, marked B, and he shall deliver the Deed so cancelled to the Registrar of the County in which the land is situate, who is hereby required without any charge to file it with the Certificate of the redemption of the same land.

Cancelling Deeds surrendered of lands redeemed.

Sales of land not so redeemed confirmed: as if made under Assessment Laws, 12 V. c. 80.

Proviso.

Proviso.

XI. And be it enacted, That if any land sold for arrears of taxes as aforesaid shall not have been redeemed in the manner and within the period allowed and provided by this Act, such sales shall be confirmed and held valid as fully as if they had been made under the authority of the Assessment laws in force in Upper Canada, previous to the passing of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, and other matters of a like nature*, and the arrears on account of which the sales took place, had not comprised any taxes imposed or intended to be imposed by any By-law of the late District Councils: Provided that at the time of such sale the taxes (whether imposed by such By-law or by the said Assessment Laws of Upper Canada, or by both) were in arrear to the extent required by the said Assessment Laws in order to justify the sale of the lands, and that all the requirements of the said Assessment Laws relative to such sales were complied with: Provided also that nothing herein contained shall be held to make valid the title to any lands which shall have been adjudged to be invalid by any Court of competent jurisdiction or in any way to make void any judgment in any of the Superior Courts of Upper Canada, or to affect any suit pending therein in which the validity of any such By-law may have been called in question.

Interpretation clause.

XII. And be it enacted, That whenever the words "owner," "purchaser" and "occupant" occur in this Act, or the words "he" or "his," or other words designating the owner, purchaser or occupant, such words shall be construed to mean such persons or their heirs, executors or assigns, and to include the singular or plural, masculine or feminine, as the case may be; and the word "County" shall be construed to include Unions of Counties.

SCHEDULE A.

I, _____ Treasurer of the County (or United Counties) of _____ do hereby certify, that I have received from _____ the sum of _____ being the whole amount payable according to the provisions of an Act of the Province of Canada, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the recovery of the rates and taxes intended to be imposed by certain By-laws of the late District Councils of Upper Canada*, and chaptered _____ in redemption of lot (or part of lot, describing it, or _____ acres of lot, as the case may be,) number _____ in the _____ Concession of the Township of _____, which was sold by the Sheriff of the District of _____ (or County of _____) for arrears of taxes on the _____ day of _____ in the year _____

Dated _____

(Signed.)

SCHEDULE B.

This Deed is cancelled by me _____ Treasurer of the County (or United Counties) of _____, the land described therein having been redeemed on the _____ day of _____ in the year _____

Dated _____

(Signed.)

C A P . C L X X X I V .

An Act to repeal certain Duties of Excise, so far as regards Upper Canada, and to vest certain powers in the Municipal Authorities of that part of the Province.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to repeal all Provincial Acts and parts of Acts, imposing Duties in Upper Canada, on Licenses to sell Spirituous Liquors in any quantity or in any place, or to keep Houses of Public Entertainment, or on Licenses to Hawkers and Pedlars, or on keepers of Billiard Tables, or on Auctioneers, or on the sale of goods by Auction, and generally all Duties commonly called Excise Duties, except only those imposed on Distillers and the Spirituous Liquors distilled by them, and all enactments providing for the collection of such duties, and to vest certain powers with regard to the matters aforesaid in the Municipal authorities of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority

Preamble.

- of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature of Upper Canada passed in the fifty-sixth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned;* and the Act of the said Legislature, passed in the fifty-eighth year of the same Reign, and intituled, *An Act to continue and repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, 'An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same;'* and the Act of the said Legislature, passed in the ninth year of the Reign of King George the Fourth, and intituled, *An Act to continue an Act intituled, 'An Act to continue for a limited time, an Act passed in the fifty-eighth year of His late Majesty's Reign, intituled, 'An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, "An Act for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned,' and to extend the provisions of the same;'"* and the Act of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Act to continue and make permanent an Act passed in the third year of the Reign of King William the Fourth, intituled, 'An Act to continue the Duty upon Licenses to Hawkers and Pedlars;'* and the Act of the said Legislature, passed in the fiftieth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty a duty upon Billiard Tables*, and the eighth and ninth Sections of the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to regulate the time for making Returns and Payments by Collectors and other persons receiving the Public Revenues of the Province, and for other purposes therein mentioned;* and the tenth Section of the Act of the Legislature, passed in the same year of the same Reign, and intituled, *An Act for further regulating the manner of granting Licenses to Inn Keepers and Keepers of Ale and Beer Houses within this Province;* and the Act of the said Legislature, passed in the fifty-eighth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty a duty on Licenses to Auctioneers, and on goods, wares and merchandize sold by auction*, and the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to revive and make perpetual an Act for granting to Her Majesty a duty on Licenses to Auctioneers and on goods, wares and merchandize sold by auction*, and the second Section of the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *An Act to make perpetual an Act*
- Acts and parts of Acts repealed.
- U. C. 56 G. 3, c. 34.
- U. C. 58 G. 3, c. 5.
- U. C. 9 G. 4, c. 8.
- U. C. 2 V. c. 23.
- U. C. 50 G. 3, c. 6.
- U. C. 3 V. c. 9.
- U. C. 3 V. c. 20, s. 10.
- U. C. 58 G. 3, c. 6.
- U. C. 3 V. c. 23.
- U. C. 3 V. c. 22, s. 2.
- passed

passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the Reign of King George the Third, intituled, "An Act to amend an Act for regulating the manner of Licensing Public Houses and for the more easy conviction of persons selling Spirituous Liquors without License, and also for regulating the duty to be levied on Licenses to Shopkeepers,"' and the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Hawkers and Pedlars*, and so much of the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Laws relative to the duty upon sales of property by auction*, as imposes or continues any duty on Auctioneers or on goods, wares or merchandize sold by auction in Upper Canada, shall be and the said Acts and parts of Acts are hereby repealed, with all other Acts or parts of Acts whether of the Parliament of this Province, or of the Legislature of Upper Canada imposing or continuing any duty in Upper Canada, on Auctioneers or on the sale of goods, wares or merchandize by auction, or on Hawkers, Traders or Petty Chapmen, or on keepers of Billiard Tables, or on persons selling wine, brandy or spirituous liquors, ale or beer, by retail in any place, or on keepers of houses of public entertainment, or requiring that any person should take out any license in order to enable him lawfully to sell goods, wares or merchandize by auction, or to act as a Hawker or Pedlar, Trader or Petty Chapman, or to keep any Billiard Table for hire or otherwise, or to sell wine, brandy or spirituous liquors, ale or beer by retail, except only as regards any penalty incurred under the Acts and parts of Acts hereby repealed, before this Act shall be in force, which may be sued for, levied and collected as if this Act had not been passed: Provided always that nothing herein contained shall be construed to repeal or affect any duty or sum payable under any By-law of any Municipality in Upper Canada made under authority of the Act of the Parliament of the Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, or in any way to impair the effect of any By-law made under the authority of the said Act, or to repeal, alter or affect any Act or law concerning Distilleries or Distillers or any duties imposed on the spirituous liquors distilled or made by them.

Canada,
13 & 14 V.
c. 7.

Canada,
4 & 5 V. c. 21.

General repeal
of Acts im-
posing duties
of certain
kinds in U. C.

Proviso: this
Act not to
affect By-
laws under
13 & 14 V.
c. 65.

II. And be it enacted, That the Municipal Council of any County or City in Upper Canada shall have full power and authority to make By-laws for regulating and governing Hawkers and Petty Chapmen, and other trading persons going from place to place or to other men's houses, or who have not become householders by permanent residence in any Town or place within such County or City, or travelling

Municipal
Councils of
Counties, Ci-
ties, Towns,
may impose
duties on
Pedlars and
Hawkers, and
require them

to take Li-
censes.

travelling either on foot or with a horse or horses, mule or mules, or other beast or beasts bearing or drawing burthen, boat or boats, decked vessel or vessels or other craft, or otherwise within such County or City carrying to sell or exposing to sale any goods, wares or merchandize, and for requiring any such person to take out a license from such officer of the Municipality as shall be designated in such By-law, before it shall be lawful for him to exercise any such calling as aforesaid within such County or City, and for fixing the sum which shall be payable for such licenses and the time during which the same shall be in force, and for imposing penalties for the contravention of any such By-law.

Municipal
Councils may
impose By-
laws for cer-
tain purposes.

III. And be it enacted, That the Municipal Council of any Township, incorporated Village or Town or City in Upper Canada, shall have full power and authority to make By-laws for all or any of the following purposes, that is to say :

Auctioneers:

1. For regulating and governing Auctioneers and other persons selling or putting up for sale, goods, wares, merchandize or effects, by public auction or outcry or to the highest or best bidder, within such Municipality, and for requiring any such person to take out a license from such Municipal Officer as shall be designated in such By-law, before it shall be lawful for him to act as an Auctioneer or to sell or put up to sale, as aforesaid, any goods, wares and merchandize or effects within such Municipality, and for fixing the sum which shall be payable for each such license and the time during which it shall be in force, for making such further provisions as may be deemed necessary for giving full effect to such By-law, and for imposing Penalties for the contravention thereof.

Selling intoxi-
cating liquors
by retail.

2. For regulating and governing all shop-keepers, store-keepers, and others selling wine, brandy or other spirituous liquors, ale or beer, by retail, in places other than houses or places of public entertainment, and for requiring any such person to take out a license from any Municipal Officer to be designated in such By-law, before it shall be lawful for him to sell any wine, brandy or other spirituous liquor, ale or beer, as aforesaid, within such Municipality, and for fixing the sum which shall be payable for each such license, and the time during which it shall be in force, or for limiting the number of persons to whom and the houses or places for which such licenses shall be granted within the Municipality, or for preventing absolutely the sale of wine or brandy or other spirituous liquors, ale or beer, or any of them, by retail within the Municipality, and for making such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof: Provided always that the selling of any wine, brandy or other spirituous liquors, ale or beer, in the original packages in which the same were received from the importer or manufacturer, and

Proviso.

not

not containing respectively less than five gallons or one dozen bottles, shall not be held to be a selling by retail within the meaning of this Act.

3. For regulating and governing all persons who shall within such Municipality keep or have in their possession or on their premises any Billiard Table or Tables, set up for hire or gain, directly or indirectly, or being in any house or place of public entertainment, or house or place of public resort, whether such Billiard Table or Tables be used or not, and for requiring any such person to take out a license from any Municipal Officer to be designated in such By-law, before it shall be lawful for him to keep or have in his possession or on his premises any Billiard Table or Tables, and for fixing the sum which shall be payable for any such license and the time during which it shall be in force, and for making such further enactments as may be deemed necessary for giving full effect to any such By-law, and for imposing penalties for the contravention thereof.

Billiard Tables.

IV. And be it enacted, That any By-law made under the authority of this Act may be repealed, altered or amended by the Municipal Council by which it shall have been made, saving always that no person shall be required to take out a new license for any purpose, during the time for which a license shall have been granted to him for the same purpose, or to pay any additional sum upon such license during such time; No penalty to be imposed by any By-law to be made under the authority of this Act, shall exceed the amount to which Municipal Councils may impose penalties under the Municipal Corporations Acts of Upper Canada; and the penalties imposed by By-laws under this Act shall be recoverable and applicable in the manner provided by the said Acts with regard to penalties imposed by By-laws made under the authority thereof: all sums of money levied under By-laws made under this Act shall form part of the General Funds of the Municipality in which they shall be levied, and they shall be levied and collected by such Municipal Officers as shall be appointed for the purpose: Provided always, that no By-law made under the authority of this Act, which shall be intended absolutely to prevent the sale of wine, brandy or other spirituous liquor, ale or beer, within any Municipality, at any place other than a house of public entertainment, or shall require the payment of a greater sum than Ten Pounds per annum for any license to sell the same, or to exercise any other calling, or to do any other thing for which a license may be required under this Act,—nor any By-law to be made after the passing of this Act, under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, for prohibiting the sale of wine or spirituous liquors, ale or beer, in any house of public entertainment in such Municipality,—shall have force or effect,

Such By-laws may be repealed, &c., exception.

Penalties limited.

Application of penalties and duties on Licenses.

By-laws prohibiting the sale of intoxicating liquors either under this Act or 13 & 14 V. c. 65, or imposing a duty of more than £16 for Licenses for certain purposes, not to be valid unless previously approved by a majority of the Muni-

unless

cipal Elect-
ors.

unless before the final passing thereof, it shall have been adopted and approved by a majority of the qualified Municipal Electors of the Municipality, (to be ascertained in such manner as shall be determined by a By-law to be previously passed for that purpose) after public notice containing a copy of the proposed By-law, shall have been inserted at least four times in each Newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more Newspaper or Newspapers printed in the City or Town nearest to such Municipality and circulated therein, and also posted up in at least four of the most public places in such Municipality.

Moneys payable for Licenses to keep Houses of public entertainment, to whom to be paid, &c.
13 & 14 V. c. 65 cited.

V. And be it enacted, That all sums of money payable for licenses to keep houses of public entertainment or other licenses, under By-laws made by the Municipal Councils of Municipalities in Upper Canada under the authority of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, and any sum payable on such Licenses under the Act of the Parliament of Great Britain cited in the Preamble to the said Act, shall be payable to and shall be collected and received by such Municipal Officers as the Councils of such Municipalities respectively shall appoint to receive the same, and such Licenses shall be issued by such Municipal Officers as the said Councils respectively shall appoint to issue the same: and any License to keep a house of public entertainment and to retail wines and spirituous liquors therein, issued in the manner and form and by the Municipal Officer prescribed and appointed by By-law of the Municipality in which the same shall be granted, shall be taken and held to be a License for the purpose of the said Act of the Parliament of Great Britain, and the duty imposed by the said Act shall be payable thereon.

Certain Licenses to be deemed Licenses under Imperial Act.

Provision for indemnifying Revenue Inspectors in U. C. for the loss of emoluments they will sustain by reason of this Act.

VI. And for indemnifying the several Revenue Inspectors in Upper Canada for the loss of emoluments which they will sustain by the passing of this Act, Be it enacted, That each Township, Village, Town or City Municipality in Upper Canada shall, within one year from the time when this Act shall come into force, pay over to the Receiver General of the Province, such sum as shall be estimated and certified to the Head of such Municipality by the Inspector General of this Province, as being in his opinion equal to one year's income or emoluments of any Revenue Inspector or Inspectors arising from the duties and Licenses which without this Act would be collected or issued by him or them in such Municipality, which sum the said Inspector General shall calculate on the basis of the income or emoluments received by any Revenue Inspector or Inspectors from the same source during the then last twelve months; and the sum so certified as payable by any Municipality shall be a debt due to the Crown by such Municipality, and

and if not paid within the period aforesaid may be recovered by the Crown from such Municipality in any way in which debts to the Crown may be recovered in Upper Canada; and the amount so received from the several Municipalities aforesaid shall be divided among and paid to the several Revenue Inspectors in Upper Canada, in proportion to the income or emoluments which they may have lost respectively by the passing of this Act, the sum to be paid to each being determined by the Inspector General on the basis aforesaid.

VII. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the First day of January, one thousand eight hundred and fifty-four, and not before; except that at any time after the passing of this Act, any By-law may be passed for any purpose for which a By-law may be passed under this Act, and all things (if any) preliminary to the passing of such By-law may be done, provided such By-law be limited to come into force and effect upon or after the day last aforesaid, and not before.

Commence-
ment of this
Act.

VIII. And be it enacted, That this Act shall apply only to Upper Canada, and that its provisions and the powers granted by it to the Municipal authorities in Upper Canada, and the provisions of the Act last aforesaid amending the Laws relative to Tavern Licenses in Upper Canada, and the powers therein granted to the said Municipal authorities, shall be subject to and limited and controlled by the provisions of any Act which may be passed during the present Session for prohibiting the granting of Licenses for the sale of intoxicating liquors on the line of any Public Work, or for otherwise prohibiting or limiting the sale of such liquors.

This Act and
13 & 14 V.
c. 65, to be
controlled by
any Act pass-
ed this Ses-
sion for cer-
tain purpose.

C A P . C L X X X V .

An Act supplementary to the Common School Act for Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered forty-eight, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, hereinafter called "the Upper Canada School Act of 1850": Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and* for

Preamble.

13 & 14 V.
c. 48.

Boards of School Trustees in Cities &c. to have the powers of Trustees of School Sections.

Proviso: as to Chairmen of such Boards.

CASTING VOTE.

for the Government of Canada, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each City, Town and incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section: Provided always, that the Chairman of each such Board of School Trustees shall be elected by the Trustees from their own number, and shall have a right to vote at all times, and in case of an equality of votes, the maxim *presumitur pro negante* shall prevail.

Elections of Boards of Trustees in Villages or Towns.

Proviso: as to the calling of meeting for such Elections.

Proviso: Elections in certain Villages and Towns confirmed.

Proviso: Amendment to proviso 2, of s. 25, 13, & 14 V. c. 48.

Proviso.

II. And be it enacted, That in any Village or Town not divided into Wards in Upper Canada, which shall become incorporated according to Law, an Election of a Board of School Trustees for such Village or Town shall take place at the time specified in the second section of the said Upper Canada School Act of 1850; Provided always, that the first Election of such Board of School Trustees shall be called by the Returning Officer appointed to hold the first Municipal Election in such Village or Town, or in case of his neglecting to do so for one month, by any two Freeholders in such Village or Town, on giving six days' notice in at least three public places in such Village or Town; Provided also, that all Elections of School Trustees that have taken place in Villages and Towns not divided into Wards, which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages and Towns, are hereby made as valid as if such Boards had been elected for Villages and Towns incorporated before one thousand eight hundred and fifty: Provided likewise, that in the words "two years" which occur in the second proviso of the twenty-fifth section of the said Act, the word "three" shall be substituted for the word "two," and the said proviso shall be held to have and to have had effect as if the word "three" had been originally inserted therein instead of the word "two"; Provided nevertheless, that the twenty-fifth and twenty-sixth sections of the said Act shall be construed to apply to all such Boards of School Trustees.

Declaration to be made by any person offering to vote at School Election, if his vote be objected to.

III. And be it enacted, That in case an objection be made to the right of any person to vote at an Election of a School Trustee or Trustees in any City, Town, or incorporated Village, or upon any other subject connected with School purposes, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration:

Form.

"I do declare and affirm that I have been rated on the Assessment-Roll of this City (Town or Village, as the case
"may

“ *may be*) as a Freeholder (or householder, as the case may be) ;
 “ and that I have paid a public School tax in this Ward, (or
 “ Village, as the case may be,) within the last twelve months,
 “ and that I am legally qualified to vote at this Election.”

And the person making such declaration shall be permitted to vote : Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Upper Canada School Act of 1850.

Proviso : punishment for false declaration.

IV. And be it enacted, That in all Cities, Towns and incorporated Villages and School Sections, in which separate Schools do or shall exist according to the provisions of the Common School Acts of Upper Canada, persons of the religious persuasion of each such separate School, sending children to it, or supporting such School by subscribing thereto annually an amount equal to the sum which each such person would be liable to pay (if such separate School did not exist) on any assessment to obtain the annual Common School Grant for each such City, Town, Incorporated Village or Township, shall be exempted from the payment of all Rates imposed for the support of the common public Schools of each such City, Town, incorporated Village or School Section, and of all rates imposed for the purpose of obtaining the Legislative Common School Grant for such City, Town, incorporated Village or Township ; and each such separate School shall share in such Legislative Common School Grant only (and not in any School money raised by Local Municipal Assessment) according to the average attendance of pupils attending each such separate School, (the mean attendance of pupils for winter and summer being taken) as compared with the whole average attendance of pupils attending the Common Schools in each such City, Town, incorporated Village or Township ; and a Certificate of qualification, signed by the majority of the Trustees of such separate School, shall be sufficient for any Teacher of such School : Provided always, firstly, that the exemption from the payment of such School Rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate School ; nor shall such exemption extend to School rates or taxes imposed or to be imposed to pay for School Houses, the erection of which was undertaken or entered into before the establishment of such separate School ; Provided secondly, that the Trustees of each such separate School shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the local Superintendent, a correct return of the names of all persons of the religious persuasion of such separate School, who shall have sent children to or subscribed as aforesaid for the support of such separate School

Persons sending their children to separate Schools, or subscribing an amount thereto equal to what they would otherwise have to pay for Common Schools, exempted from payment of rates imposed for Common Schools.

Separate Schools to share in Legislative Grant only, and in what proportion.

Qualification of Teachers

Proviso : Exemption from School rates limited.

Proviso : Returns from separate Schools.

Superintendent to return the names of persons sending children, &c., to separate School; and for what purpose such return shall be used.

Trustees of separate School may take copies.

Proviso: Sect. 13 of 13 & 14 V. c. 48 to apply.

Proviso: Trustees of separate Schools may levy Rates.

Proviso: from what time this Sect. shall have effect.

Proviso: as to voting at Elections of Trustees.

Trustees of each School Section to transmit a certain report half yearly to

School during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate School during such period; And the Superintendent shall forthwith make a return to the Clerk of the Municipality and to the Trustees of the School Section or Municipality in which such separate School is established, stating the names of all the persons who being members of the same religious denomination contribute or send children to such separate School, and the Clerk shall not include in the Collector's Roll for the general or other School Rate, and the Trustees or Board of Trustees shall not include in their School Rolls, except for any rate for the building of School Houses undertaken before the establishing of such separate School as herein mentioned, the name of any such person as appears upon such return then last received from the said Superintendent: And the Clerk or other Officer of the Municipality within which such separate School is established, having possession of the Assessor's or Collector's Roll of the said Municipality, is hereby required to allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it shall relate to their School Section; Provided thirdly, that the provisions of the thirteenth section of the said Upper Canada School Act of 1850, shall apply to the Trustees and Teachers of separate Schools, the same as to Trustees and Teachers of other Common Schools: Provided fourthly, that the Trustees of each such separate School shall be a corporation and shall have the same power to impose, levy and collect School Rates or subscriptions upon and from persons sending children to or subscribing towards the support of such separate School, as the Trustees of a School Section have to impose, levy and collect School Rates or subscriptions from persons having property in such Section or sending children to or subscribing towards the support of the Common School of such section: Provided fifthly, that the foregoing provisions in this clause shall take effect from the first day of January, one thousand eight hundred and fifty-three, and shall extend to the separate Schools established or intended to be established under the provisions of the Upper Canada Common Schools Acts: Provided sixthly, that no person belonging to the religious persuasion of such separate School, and sending a child or children thereto or subscribing towards the support thereof, shall be allowed to vote at the Election of any Trustee for a public Common School in the City, Town, incorporated Village or School Section within the limits of which such separate School shall be situate.

V. And be it enacted, That the Trustees of each School Section shall, on or before the thirtieth day of June, and the thirty-first day of December in each year, transmit, to the local Superintendent, a correct return of the average attendance of pupils in the School or Schools under their charge during the six months

months then immediately preceding; nor shall any School Section be entitled to the apportionment from the School Fund for the said six months, the Trustees and Teacher of which shall neglect to transmit a verified statement of such average attendance of pupils in their School or Schools; Provided always, that nothing herein contained shall be construed to repeal the provisions of the thirty-first section of the said Upper Canada School Act of 1850.

the Local Superintendent.

Proviso.

VI. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect School rates for the purpose of purchasing School sites and the erection of School Houses, as they are now or may be invested with by law to assess and collect rates for other School purposes: Provided always, that they shall take no steps for procuring a School site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householders of their Section to consider the matter; and if a majority of such Freeholders and Householders present at such Meeting, differ from a majority of the Trustees as to the site of a School House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Upper Canada School Act of 1850; Provided that such Trustees shall, whenever they impose any rate for School purposes, make a return to the Clerk of the Municipality of the amount of the rate so imposed by them.

Trustees may assess for School Houses and sites therefor.

Proviso: Special meeting to be held.

Proviso.

VII. And be it enacted, That the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law.

Trustees to see that each School has a Register and Visitors' Book.

VIII. And be it enacted, That the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situate within or adjacent to the limits of their School Section.

Uniting Common Schools with Grammar Schools.

IX. And be it enacted, That the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850, for the collection and application of the fines imposed by the said section.

Responsibility of Trustees for money lost through their neglect.

X. And be it enacted, That the Trustees of each School Section, shall, each personally forfeit the sum of One Pound Five Shillings for each and every week that they shall neglect, after the

Penalty on Trustees neglecting to

the

make their yearly Report.

the thirty-first day of January in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first of December immediately preceding; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850.

What agreements only with Teachers shall be valid.

XI. And be it enacted, That no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January then next, unless such agreement shall have been signed by the two Trustees of such School Section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.

Liability of persons sending children to School in a Section other than that in which they reside.

XII. And be it enacted, That any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall nevertheless be liable for the payment of all rates assessed for the School purposes of the Section in which he resides, the same as if he sent his child or children to the School of such Section; and such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside; but this clause shall not be held to apply to persons sending children to or supporting separate Schools, or to prevent any person who may be taxed for Common School purposes on property situate in a different School Section from that in which he resides, from sending his children to the School of the Section in which such property may be situate on as favorable terms as if he resided in such section.

Exception as to separate Schools.

By what methods only School expenses shall be provided for.

XIII. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or to the number of children of legal school age, residing in such section; but all the School expenses of such section shall be provided for by any or all of the three authorized methods of voluntary subscription, rate-bill for each pupil attending the School, or by rate upon property: Provided always, that no rate-bill shall be imposed exceeding One Shilling and Three Pence per month for each pupil attending the School.

Proviso.

Term of office of Local Superintendents.

XIV. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools, shall continue in office, (unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment: Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period

Proviso.

of his being in office : Provided, secondly, that no Local Superintendent shall be required unless he shall judge it expedient, (except with a view to the adjustment of disputes) or unless directed so to do by the Municipality appointing him, to make more than two official visits to each School Section under his charge, one of which visits shall be made some time between the first of April and the first of October, and the other sometime between the first of October and the first of April : Provided, thirdly, that the Local Superintendents of adjoining Townships shall have authority and are hereby required to determine the sum or sums which shall be payable from the School apportionment and assessment of each Township in support of Schools of Union School Sections consisting of portions of such Townships ; and they shall also determine the manner in which such sum or sums shall be paid : Provided fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships ; and in the event of the Local Superintendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred to the Warden of the County or Union of Counties for final decision : Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so : Provided, sixthly, that each Local Superintendent of Schools shall have authority, within twenty days after any meeting for the Election of Common School Section Trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such Election, and to confirm it or set it aside, and appoint the time and place of a new Election, as he shall judge right and proper : Provided, seventhly, that each Local Superintendent shall have authority on due examination, (according to the programme authorized by law for the examination of Teachers,) to give any Candidate a Certificate of qualification to teach a School within the limits of the charge of such Superintendent until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member ; but no such Certificate of qualification shall be given a second time, or shall be valid if given a second time, to the same person in the same County : Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within which such Superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

Proviso: as to official visits.

Proviso: as to Superintendents of adjoining Townships.

Proviso:

Proviso.

Proviso.

Proviso: may grant temporary Certificates to Teachers.

Proviso: resignation of Superintendent.

XV. And be it enacted, That the last proviso of the seventeenth Section of the Upper Canada School Act of 1850, shall be and is hereby repealed ; And be it also enacted, That

Last proviso of s. 17 of 13 & 14 V. c. 48 repealed.

Arbitrators under said sect. may summon witness, administer oaths, &c., and enforce collection of sums awarded by them.

That the Arbitrators mentioned in the said seventeenth Section of the said Act, shall have authority to administer oaths to and to require the attendance of all or any of the parties interested in the said reference, and of their witnesses, with all such books, papers and writings as such Arbitrators may require them or either of them to produce; and the said Arbitrators, or any two of them, may issue their Warrant to any person to be named therein, to enforce the collection of any sum or sums of money by them awarded to be paid, and the person named in such Warrant shall have the same power and authority to enforce the collection of the money or moneys mentioned in the said Warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same is rendered, as any Bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court; and no action shall be brought in any Court of Law or Equity, to enforce any claim or demand which by the said seventeenth Section of the said in part recited Act, may be referred to arbitration as therein mentioned.

When any one's lands lie in more than one School Section.

XVI. And be it enacted, That whenever the lands or property of any individual or company shall be situate within the limits of two or more School Sections, it shall be the duty of each Assessor appointed by any Municipality, to assess and return on his Roll, separately, the parts of such lands or property according to the divisions of the School Sections within the limits of which such lands or property may be situate; Provided always, that every undivided occupied lot or part of a lot shall only be liable to be assessed for School purposes in the School Section where the occupant resides.

Proviso:

Only one School rate to be levied in one year, except for a School house, &c. s. 12; clause 9 of 13 & 14 V. c. 48, cited.

XVII. And be it enacted, That no Township Council shall have authority to levy and collect in any School Section during any one year, more than one School Section rate, except for the purchase of a School site or the erection of a School house; nor shall any such Council have authority to give effect to the ninth clause of the twelfth section of the Upper Canada School Act of 1850, for the levying and collection of rates for School purposes of any School Section in any one year, unless the Trustees of such School Section make application to the Council at or before its meeting in August of such year: Provided also, that each such Township Council shall have authority, under the restrictions imposed by law in regard to the alteration of School Sections, to form such part of any Union School Section as is situated within the limits of its jurisdiction, into a distinct School Section, or attach it to one or more existing School Sections or parts of Sections, as such Council shall judge expedient.

Proviso.

Chief Superintendent may apportion

XVIII. And be it enacted, That for and notwithstanding any thing contained in the Upper Canada School Act of 1850, the Chief Superintendent of Schools shall have authority to direct
the

the distribution of the Common School Fund of any Township, among the several School Sections and parts of Sections entitled to share in the said Fund, according to the length of time in each year, during which a School shall have been kept open by a legally qualified Teacher in each of such Sections or parts of Sections.

School moneys according to time Schools have been kept open.

XIX. And be it enacted, That if any person shall wilfully disturb, interrupt or disquiet any Common or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, such person shall, on conviction thereof before any Justice of the Peace, on the oath of one or more credible witnesses, forfeit and pay such a sum of money not exceeding Five Pounds, together with the costs of and attending the conviction, as the said Justice shall think fit; such conviction and all other convictions before a Justice or Justices of the Peace under this Act or the Upper Canada School Act of 1850, and the costs thereof, to be levied and collected from the offender, who, in default of payment, may be imprisoned for any time not exceeding thirty days, unless such fine and costs, and the reasonable expenses of endeavouring to collect the same, shall be sooner paid.

Penalty on persons wilfully disturbing a Common School.

Enforcement of penalty.

XX. And be it further enacted, That the Certificates of qualification which have heretofore been granted to Teachers of Common Schools by any County or Circuit Board of Public Instruction in Upper Canada, or at any meeting of any Members not less than three of the Members of such Boards, and which have not been cancelled, shall at all times be considered as duly and legally granted, notwithstanding any want of notice to the several Members of the said Board, of the times and places of meeting for the purpose of granting such Certificates, and notwithstanding any other want of form in the organizing or conducting of the business of any such County or Circuit Board; and any Certificate purporting to be granted by any such Board, or any three Members thereof, and having the signature of at least one Local Superintendent of Schools, shall be considered a good and valid Certificate of qualification, according to the effect thereof, until the same shall be annulled.

Certain Certificates of qualification to teach given by County or Circuit Boards confirmed.

XXI. And whereas doubts have arisen whether the Trustees of any School Section, or the Board of School Trustees of any City, Town or Village, can appoint any one or more of their own number, Collector or Collectors of School rates; For the removal thereof, Be it enacted, That it shall and may be lawful for the Trustees of any School Section, or the Board of School Trustees in any City, Town or incorporated Village, to appoint one or more of their number a Collector or Collectors to collect the School rates of any such Section, City, Town or Village,

Trustees of School Section &c. may be made Collectors for the same.

As to School rates on lands, which it has been found impossible to collect.

Return to County Treasurer.

XXII. And be it enacted, That if the Collector appointed by the Trustees of any School Section, shall have been unable to collect that portion of any School rate which was charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the Trustees shall make a return to the Clerk of the Municipality before the end of the then current year, of all such parcels of land and the uncollected rates thereon; and the Clerk shall make a return to the County Treasurer of all such lands and the arrears of School rates thereon, and such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes; and the Township, Village, Town or City in which such School Section is situate, shall make up the deficiency arising from the uncollected rate on lands liable to assessment, out of the General Funds of the Municipality.

How any additional sum of money for C. Schools in U. C. shall be apportioned.

Support of C. Schools.

Proviso.

Normal and Model Schools and Journal of Education.

Proviso.

Books, &c. for a Canadian Library and Museum.

Worn out Teachers' Fund.

XXIII. And be it enacted, That whatever additional sum or sums of money may be payable to Upper Canada out of the Legislative School Grant, or may be granted during the present session of this Parliament for Common School purposes in Upper Canada, shall be expended in the following manner: Firstly, a sum of not less than Four Thousand Pounds shall be apportioned and expended for the support of Common Schools, as provided in the thirty-fifth Section of the Upper Canada School Act of 1850: Provided always, that not more than Five Hundred Pounds of the said sum may be expended in special aid of Common Schools in new and poor townships; Secondly, a sum not exceeding One Thousand Pounds per annum shall be expended in further support of the Normal and Model Schools for Upper Canada, and in supplying a copy of the Journal of Education to each School Corporation and each local Superintendent of Schools in Upper Canada: Provided always, that not more than Four Hundred and Fifty Pounds of the said sum shall be expended in the circulation of the Journal of Education; and the balance of such sum shall be expended as provided for in the thirty-eighth Section of the Upper Canada School Act of 1850; Thirdly, a sum not exceeding Five Hundred Pounds per annum may be expended by the Chief Superintendent of Schools in the purchase, from time to time, of Books, Publications, Specimens, Models and Objects, suitable for a Canadian Library and Museum, to be kept in the Normal School Buildings, and to consist of Books, Publications and Objects, relating to Education and other departments of Science and Literature, and Specimens, Models and Objects illustrating the Physical Resources and Artificial Productions of Canada, especially in reference to Mineralogy, Zoology, Agriculture and Manufactures; Fourthly, a sum not exceeding Five Hundred Pounds per annum, shall be applied towards forming a fund for the support of superannuated or worn out Common School Teachers in Upper Canada, under such regulations as may be adopted, from time to time, by the Council of

of Public Instruction, and approved of by the Governor in Council : Provided always, that no Teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of One Pound per annum, for the period of his teaching School, or receiving aid from such fund, and who shall not furnish satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer : Provided also, that no allowance to any superannuated or worn out Teacher shall exceed the rate of One Pound Ten Shillings for each year that such Teacher shall have taught a Common School in Upper Canada.

Proviso:
Who shall share in such Fund.

Proviso.

XXIV. And whereas it is highly desirable that uniformity of decision should exist in cases that may arise triable in the Division Court, against and between Superintendents, Trustees, Teachers and others acting under the provisions of the Common School Acts of Upper Canada—Be it therefore enacted, That the Chief Superintendent of Schools for Upper Canada, may, within one month after the rendering of any Judgment in any of the said Courts in any case arising as aforesaid, appeal from the decision of any Judge of the said Courts to either of the Superior Courts of Law, at Toronto, by serving notice in writing of such his intention to do so, upon the Clerk of such Division Court, which Appeal shall be entitled, “The Chief Superintendent of Schools for Upper Canada, Appellant, in the matter between (A. B. and C. D.) ;” and it shall be the duty of the Judge of the said Court, to certify under his hand, to either of the Superior Courts aforesaid, as the case may be, the summons and statement of claim and other proceedings in the case, together with the evidence and his own Judgment thereon, and all objections made thereto : whereupon the same matter shall be set down for argument at the next term of such Superior Court, which Court shall give such Order or direction to the Court below, touching the Judgment to be given in such matter, as the law of the land and equity shall require, and shall also award costs in their discretion, against the Appellant, which costs shall be certified to and form part of the Judgment of the Court below ; and upon receipt of such Order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith : Provided that all costs awarded against the Appellant, and all costs incurred by him, shall be payable by the Chief Superintendent, and the amount chargeable to the Contingencies of his Office : And the Judge presiding over any Division Court wherein any action of the kind referred to in this section is brought, may order the entering of judgment to be delayed for a sufficient time to permit either party to apply to the Chief Superintendent of Schools to appeal such case, and after Notice of Appeal is served as herein provided, no further proceedings shall be had in such case until the matter of the Appeal shall be decided by such Superior Court.

Recital.

Appeal given to Chief Superintendent from decisions of Division Courts in School matters, to the Superior Courts of Common Law at Toronto.

Proviso as to costs.

Judge of Division Court may grant delay for bringing appeal.

Clerk of each Township to prepare a map thereof shewing School Section, &c.

XXV. And be it enacted, That it shall be the duty of the Clerk of each Township Municipality to prepare in duplicate a Map of the Township, shewing the divisions of the Township into School Sections and parts of Union School Sections, one copy of which shall be furnished to the County Clerk for the use of the County Council, and the other shall be retained in the Township Clerk's Office, for the use of the Township Municipality.

Inconsistent enactments repealed.

XXVI. And be it enacted, That such of the provisions of the Upper Canada School Act of 1850, as are contrary to the provisions of this Act, shall be and are hereby repealed.

Act to apply for 1853.

XXVII. And be it enacted, That the provisions of this Act shall apply to all School affairs and to all persons referred to in the said provisions, for the present year one thousand eight hundred and fifty-three.

Short Titles of Common School Acts of U. C.

13 & 14 V. c. 48.

Title of this Act.

School Acts generally.

XXVIII. And be it enacted, That in citing or otherwise referring to the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, it shall be sufficient to designate it as "The Upper Canada School Act of 1850," and that in citing or otherwise referring to this Act, it shall be sufficient to designate it as "The Upper Canada Supplementary School Act of 1853;" and that in citing or otherwise referring to the said Acts generally, or to them and to any other Act or Acts relative to Common Schools, which may at the time of such citation or reference be in force in Upper Canada, it shall be sufficient to use the expression, "The Common School Acts of Upper Canada."

C A P . C L X X X V I .

An Act to amend the Law relating to Grammar Schools in Upper Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all moneys arising from the sale of lands set apart or which may hereafter be set apart for the encouragement of

Grammar School Fund

Grammar

Grammar Schools in Upper Canada, and which shall not have been specially granted to or vested in or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may hereafter be made by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund to be called *The Upper Canada Grammar School Fund*, and shall be invested in Government or other securities by the direction of the Governor in Council ; and the annual income thereof, after the deduction therefrom of One Hundred Pounds yearly for a Senior Grammar School for each County or Union of Counties in Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of One Hundred Pounds for each such Senior Grammar School as aforesaid, annually apportioned to the several Counties and Unions of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada ; or if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio of population : Provided always, that when the Senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of One Hundred Pounds a year shall be paid to such School, although the same may continue within the limits of such City.

how to be consulted.

In what securities it shall be invested.

Annual income to be apportioned annually among the Counties and Unions of Counties in U. C.

Proviso :
When the Senior Grammar School is in a City.

II. And be it enacted, That it may and shall be lawful for the Municipal Council of each County, City, Township, Town or incorporated Village from time to time, to levy and collect by assessment such sum or sums as it shall judge expedient, to purchase the site or sites of, to rent, build, repair, furnish, warm and keep in order a Grammar School House or Grammar School Houses, and its or their appendages, grounds and enclosures, for procuring apparatus and text-books, for providing the salary of the Teacher or Teachers, and all other necessary expenses of such County Grammar School or Schools ; and all sums so collected shall be paid over to the Treasurer of the County Grammar School for which the said assessment was made.

Municipal Councils may levy assessments for supporting Grammar Schools, and their appendages.

Sums so collected to whom to be paid over.

III. And be it enacted, That the Chief Superintendent of Schools for Upper Canada shall, on or before the first day of May in each year, notify each County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County, and shall give notice of the same to the Inspector General ; and such moneys shall be payable to the Treasurer of each County entitled to receive it,

Notice to be given touching the apportionment aforesaid.

Apportionment to be payable half yearly.

Proviso.

one half on or before the first day of July, and the other half on or before the thirty-first day of December, in each year, in such manner as may be determined by the Governor: Provided always, that the sum or sums raised by local assessment or subscriptions for the support of Grammar Schools shall be payable each year on or before the fourteenth day of December.

Apportionment to be expended solely in paying Teachers.

IV. And be it enacted, That the sum or sums of money annually apportioned to each County, as provided in the first section of this Act, shall be expended in the payment of the salaries of Teachers, and for no other purpose.

Certain subjects to be taught in each Grammar School.

V. And be it enacted, That in each County Grammar School provision shall be made for giving instruction, by a Teacher or Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education including the Elements of Natural Philosophy and Mechanics, and also in the Latin and Greek Languages and Mathematics so far as to prepare students for University College or any College affiliated to the University of Toronto, according to a programme of studies and general rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council: Provided always, that no Grammar School shall be entitled to receive any part of the Grammar School Fund, which shall not be conducted according to such programme, rules and regulations.

Proviso.

Council of Public Instruction to select Books and prepare a programme of studies, and to appoint a Special Inspector of Grammar Schools.

VI. And be it enacted, That the Council of Public Instruction for Upper Canada, (of which the President of University College and the President or other Head of each of the Colleges in Upper Canada affiliated to the University of Toronto. shall be Members for the purposes of this Act,) shall prepare and prescribe a list of text-books, programme of studies, and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council.

Duties of the Chief Superintendent with regard to Grammar Schools.

VII. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools, to make annually to the Governor on or before the first day of July, a report of the actual state of the Grammar Schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such suggestions for their improvement as he shall deem useful and expedient,—to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations provided according to law, and to prepare suitable forms, and to give such instructions as he shall judge necessary and proper for making all reports and conducting all proceedings under this Act, and to cause the same, with

with a sufficient number of copies of this Act and such general rules and regulations as shall be approved of as aforesaid for the better organization and government of Grammar Schools, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act.

VIII. And be it enacted, That the Trustees of the several Grammar Schools in Upper Canada appointed before this Act shall come into force, shall continue and be *ex officio* Trustees of the respective Schools for which they shall have been appointed, and shall continue to discharge their duties as such until the appointment and organization of new Boards of Trustees for their respective Schools as herein provided.

Present Trustees to remain in office until others are appointed and organized.

IX. And be it enacted, That the several Grammar School Trustees for each County and Union of Counties in Upper Canada, shall meet together on the first Wednesday in January next after the passing of this Act, and select from amongst themselves three Trustees, (one of whom shall retire annually from the said Board, on the thirty-first day of January in each year,) for each of the Grammar Schools within such County or Union of Counties, who, with three other Trustees for each such School, to be chosen as hereinafter provided by the Municipal Council of the County or Union of Counties, shall compose the Board of Trustees (consisting of six members, three of whom shall constitute a *quorum*) for each such Grammar School, and the order in which the persons so selected by the said Trustees shall retire from the said Board shall be decided by lot: And the several County Municipalities in Upper Canada, at their first sittings to be held after the said first day of January next, shall select and appoint three fit and proper persons, one of whom shall also retire annually from the said Board on the thirty-first day of January in each year, to be Trustees for each of the Grammar Schools within their Counties or Union of Counties, and shall also decide the order in which the said persons so chosen, and all persons to be chosen by them as Trustees, shall retire from the said Board: And the vacancy occasioned by the retirement of the said two Trustees annually, as also any occasional vacancy in the said Board, shall be filled up by such County Municipality, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve, and the places of the two persons who shall retire from office annually (but may be re-elected) shall be filled up by the County Municipality at its first meeting to be held after the first day of January in each year, although the year within which such two Trustees should retire may not then have wholly expired.

Present Boards of Trustees to appoint three Trustees, who, with three to be appointed by the County Council, shall form the new Board of Trustees.

Quorum.

Retirement of Members.

Appointment of three Trustees by the County Council.

Vacancies how to be filled up.

X. And be it enacted, That it may and shall be lawful for the Municipal Council of each County or Union of Counties hereafter

Board of Trustees to be

appointed for each Grammar School by the Municipal Council of each County hereafter to be formed.

Proviso.

Proviso.

Proviso.

hereafter to be formed or set apart in Upper Canada, to appoint not less than six or more than eight fit and proper persons (three of whom shall be a *quorum* for the transaction of business) as a Board of Trustees for each Grammar School in such County or Union of Counties; Provided always, that two of the persons thus appointed (to be determined by such Council) shall retire from office annually on the thirty-first day of January in each year, (but may be re-appointed) and their places, as also any occasional vacancy, shall be filled up by such Councils: Provided also, that the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant, was appointed to serve: Provided likewise that such Municipal Councils shall appoint such Trustees at their first or other meeting after the Municipal Elections in each year, although the time may not then have expired for the retiring of the two Trustees who are to go out annually, and all Trustees under this Act shall hold their offices until their successors shall be appointed as herein provided.

Boards of Trustees incorporated.

Duties of such Boards.

Appointing officers.

Taking charge of Schools: appointing Teachers, &c.

Taking care of building, &c.

Applying to the Municipality for funds.

Proviso: Masters to be examined, unless Graduates.

XI. And be it enacted, That the Board of Trustees of each County Grammar School shall be and is hereby declared to be a Corporation, and to have and possess all the powers which are usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act; they shall meet at or near the place where each such School is held, on the first Wednesday in February in each and every year, and it shall be the duty of such Trustees:

First. To appoint annually, or oftener, from amongst themselves, a Chairman, Secretary and Treasurer, and to fix the times and places of their meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of their proceedings.

Secondly. To take the charge of the County Grammar School for which they are appointed Trustees, and the buildings and lands appertaining to it; to remove if they see fit and in case of vacancies to appoint the Master and other Teacher or Teachers in such School, to fix their salaries and prescribe their duties; to appoint such other officers or servants in such School as they may judge expedient, and fix their remuneration; to do whatever may be expedient with regard to erecting, repairing, warming, furnishing or keeping in order the building or buildings of such School and its appendages, lands and enclosures, and to apply (if necessary) for the requisite sum or sums to be raised by Municipal authority for such purpose or purposes: Provided always, that no person (except a Graduate of some University or University College,) shall hereafter be appointed Master of a Grammar School unless he shall have previously obtained a Certificate of qualification from a Committee of Examiners (one of whom shall be the Head

Master

Master of the Normal School,) appointed by the Council of Public Instruction.

Thirdly. To settle the amount to be paid by parents and guardians for each pupil attending such School, and to fix the time or times of payment, and to apply the moneys received therefor as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, maps, text books and registers, and for any other necessary expenses of such School; and they shall have authority to sue for and recover such amounts, and when collected the same shall be paid over to the Treasurer of the said Board of Trustees.

Causing Rate Bills to be levied.

Fourthly. To employ such means as they may judge expedient, in concurrence with the Trustees of the School Section or the Board of Common School Trustees in the Township, Village, Town or City in which such Grammar School may be situate, for uniting one or more of the Common Schools of such Township, Village, Town or City, or departments of them, with such Grammar School; Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher or Teachers; And provided also, that the Schools thus united shall be under the management of the Joint Board of Grammar and Common School Trustees, who shall have the powers of the Trustees of both the Common and Grammar Schools, but when the Trustees of the Common School shall exceed six in number, then they shall reduce their number to six in the Joint Board.

Uniting Grammar Schools with Common Schools.

Proviso.

Schools so united to be under management of Joint Board.

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Fifthly. To see that the pupils of such Grammar School are supplied with proper text-books; that public half-yearly examinations of the pupils are held, and due notice given of them; and that such School is conducted in accordance with the regulations which shall be provided according to law.

Books, Examinations, &c.

Sixthly. To give the necessary orders upon the County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any moneys in his hands for the payment of the salaries of the officers of such School and of any necessary expenses; to prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Schools, an annual report, which shall contain a full and accurate account of all matters appertaining to such School, in accordance with a form of report which shall be provided according to law.

Giving orders for money on Chamberlain or Treasurer.

Reporting yearly to Chief Superintendent.

XII. And be it enacted, That each County Grammar School shall be distinguished by prefixing to the term "County", the name of the City, Town or Village within the limits of which it may be situate; and that the Trustees of all such Grammar Schools shall severally use such distinguishing titles as their corporate name.

Names by which Grammar Schools shall be designated.

Which shall be the Senior Grammar School of any County.

XIII. And be it enacted, That the Grammar School of the County or Union of Counties situate at the County Town of every County or Union of Counties in Upper Canada, shall be the Senior County Grammar School of such County or Union of Counties, and if the Courts of Assize and Nisi Prius for any of such Counties or Union of Counties are usually held in a City, such City for the purposes of this Section shall be considered a County Town.

County Municipalities may establish additional Grammar Schools in certain cases, and on certain conditions.

XIV. And be it enacted, That from and after the time when this Act shall come into force, the several County Municipalities shall have power and authority to establish additional Grammar Schools within their limits, and appoint Trustees therefor according to the tenth Section of this Act, but no new Grammar School shall be established until the state of the Grammar School Fund shall permit the application of a sum equal at the least to Fifty Pounds annually to such new School, after paying to each Senior County Grammar School the sum of One Hundred Pounds annually, and to all other Grammar Schools within such County, an amount which on the average would equal at least the annual sum of Fifty Pounds to each of such Schools; Provided always, that the sum or sums of money apportioned out of the Grammar School Fund to each County, shall be distributed amongst the several Grammar Schools of such County within the restrictions imposed by this Act, under such rules and regulations as may from time to time be made by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council.

Proviso: as to apportionment of public moneys for Grammar Schools.

Where Grammar Schools now existing shall be kept. Change of site.

XV. And be it enacted, That the Grammar Schools at present established, or which may be established at the time this Act comes into force, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School by a resolution to be passed for that purpose and approved by the Governor in Council: But the place of holding any Grammar School to be established after this Act comes into force, may be changed by the County Council of the County within which it is established.

Grammar Schools established after this Act is in force.

Recital.

XVI. And whereas it is desirable at Seminaries and places of Education to direct attention to natural phenomena, and to encourage habits of observation; And whereas a better knowledge of the climate and meteorology of Canada will be serviceable to agricultural and other pursuits, and be of value to scientific enquirers: Be it therefore enacted, That it shall be part of the duty of the Master of every Senior County Grammar School, to make the requisite observations for keeping and to keep a Meteorological Journal, embracing such observations and kept according to such form as shall from time to time be directed by the Council of Public Instruction; and all such Journals or Abstracts of them shall be presented annually by the Chief

Masters of Senior Grammar Schools to keep Meteorological Journals.

Chief Superintendent of Schools to the Governor with his Annual Report :

Every senior County Grammar School shall, on or before the last day of November, one thousand eight hundred and fifty-four, be provided, at the expense of the County Municipality, with the following Instruments :

And to be supplied with certain instruments.

One Barometer :

The Instruments.

One Thermometer for the temperature of the air :

One Daniel's Hygrometer, or other instrument for showing the Dew-Point :

One rain-gauge and measure :

One wind-vane :

And it shall be duty of the Chief Superintendent of Schools to procure these Instruments at the request and expense of the Municipal Council of any County, and to furnish the Master of the Senior County Grammar School with a Book for registering observations, and with forms for abstracts thereof, to be transmitted to the Chief Superintendent by such Master, who shall certify that the observations required have been made with due care and regularity.

Chief Superintendent to provide Instruments at the request and cost of the Municipality.

XVII. And be it enacted, that the Act of the Parliament of Upper Canada, passed in the forty-seventh year of the Reign of King George the Third, and intituled, *An Act to establish Public Schools in each and every District of this Province*, and the Act of the said Parliament, passed in the forty-eighth year of the same Reign, and intituled, *An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to establish Public Schools in each and every District of this Province,'* and the Act of the said Parliament, passed in the second Session held in the fifty-ninth year of the same Reign, and intituled, *An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same*, and the Act of the said Parliament, passed in the seventh year of the Reign of King William the Fourth, and intituled, *An Act to repeal part of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of the Province,' and to establish the Public School for the London District, in the Town of London*, and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make temporary provision for the appropriation of the Funds derived*

Acts of U. C. 47 G. 3, c. 6.

48 G. 3, c. 16.

59 G. 3, c. 4.

7 W. 4, c. 106.

And of Canada, 4 & 5 V. c. 19.

9 V. c. 19. derived from the Sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes, and the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act therein mentioned, relating to the appropriation of moneys derived from the Sale of School Lands in Upper Canada*, and the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the payment of a sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, for the year one thousand eight hundred and forty-nine*, and the Act of the Parliament of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to repeal the provision limiting the distance between the County Town and any additional Grammar School in the same County, in Upper Canada*, and all other laws and statutes relating to the Grammar Schools or Grammar School moneys in Upper Canada, so far as they are contrary to the provisions of this Act, shall be and the same are hereby repealed from and after the day this Act shall come into force ; Provided always, that all appointments of Trustees, Masters or Teachers of Grammar Schools shall continue in force, as if made under the authority of this Act, until revoked or changed according to the provisions of the same.

13 & 14 V. c. 91.

14 & 15 V. c. 105, and other laws inconsistent with this Act, repealed.

Proviso.

Commence-
ment of Act.

XVIII. And be it enacted, That this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, and not before.

C A P . C L X X X V I I .

An Act to amend the Registry Laws of Upper Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the recent changes in the Territorial Divisions of Upper Canada, have rendered it necessary to make certain changes in the Registry Laws of that section of the Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where any City, Town, Township, reputed Township or place, theretofore making part of any County in Upper Canada, in and for which a separate Registry Office is or shall be kept, has been or shall be detached from such County and attached to or become part of another County in and for which a separate

Registry

When any place is detached from a County for Registration purposes, the Books, &c.,

Registry Office is or shall be kept, the Registry Book or Books kept for such City, Town, Township, reputed Township or place under the provisions of the twenty-second section of the Act passed in the ninth year of Her Majesty's Reign, and intitled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, and all plans or maps of Town or Village Lots in such City, Town, Township, reputed Township or place, lodged in the Office of such Register, pursuant to the thirty-third section of the said Act, shall be delivered by the Register of the County from which such City, Town, Township, reputed Township or place is or shall be detached, to the Register of the County to which the same is or shall be attached, or of which it shall become part, to be kept by him among the Registry Books of his office, and dealt with in all respects by him and his successors in office in like manner as the Registry Books originally made and kept therein: Provided always, that a statement of such titles of or relating to lands lying in such City, Town, Township, reputed Township or place, as may have been registered before separate Registry Books were kept for each Township or place, under the authority of the said Act, shall be furnished by the Register of the County from which such Township or place shall have been detached, to the Register of the County to which the same shall have been attached, or of which it shall become part, in the manner provided by the thirty-second section of the Act last above cited; and the provisions of this section shall apply to each and every City, Town, Township, reputed Township or place in any new County, and in any County which being theretofore united with another County or Counties for the purposes of registration of titles, shall be detached therefrom for such purposes, and become entitled to have a separate Registry Office.

relating to such place shall be delivered to the Registrar of the County to which it is attached.

9 V. c. 34.

Proviso: a statement to be delivered of titles registered before separate Books were kept for each place.

This sect. to apply to places in new Counties, &c.

II. And be it enacted, That the statement to be furnished by the Register of a County to the Register of any new County under the thirty-second section of the said in part recited Act, shall be accompanied by an index thereto, which shall be considered as a part of the said statement, and such Register shall carefully compare such statement with the original entries in the Register Books in his office, and endorse a Certificate to that effect on such statement when furnishing the same to the Register of such new County: And such statement shall, in addition to the particulars required by the said thirty-second section, contain the names of the parties to such Deeds and of the witnesses thereto, and shall also contain the same particulars with regard to Wills and other registered documents affecting lands in such new County as are required concerning Deeds, and shall also furnish a statement of any Wills registered in any General Registry Book of Wills, whether such Book was procured before or since the passing of the said Act.

Statements under s. 32, of 9 V. c. 34, to be accompanied with an Index and Certificate.

It shall contain certain further particulars.

Register Books not to be furnished hereafter by the Province, but by the County.

III. And be it enacted, That no Registry Book shall after the passing of this Act be furnished by the Secretary of the Province to any Register in Upper Canada under the twenty-second section of the Act hereinbefore recited, but whenever any Register shall require a new Registry Book, the same shall be furnished to him by the Treasurer of the County on his application therefor, and shall be paid for by such Treasurer out of the County Funds, and the Certificate now given by the Provincial Secretary in and with regard to any such Registry Book, or one to a similar effect, shall be given by the Judge of the County Court having jurisdiction in such County, on the application of the Register, and such Certificate shall be in the form or to the effect in the Schedule to this Act annexed : and if such Treasurer shall refuse or neglect to furnish such Book within thirty days after the application of the Register, the Register may provide the same, and recover the cost thereof from the Municipality of the County. And such Registry Books shall be as nearly as may be of the like size and description as those heretofore furnished to Registers in Upper Canada by the Provincial Secretary under the said twenty-second section of the said Act.

Size and form to be as at present.

Each County returning a Member to have a Registry office, &c.

IV. And be it enacted, That each County in Upper Canada, now entitled to return a Member or Members of the Legislative Assembly to represent such County in the Provincial Parliament, shall be also entitled to have a separate Registry Office for the registration of titles, and Registers shall be appointed accordingly, but until the establishment of such separate Registry Offices as may be established under this Act, all Deeds, Wills, Memorials or other Instruments may be registered in the same Offices, and with the same effect, as if this Act had not been passed.

When a Deed relates to lands in several localities in the same County, only one Memorial need be filed.

V. And be it enacted, That when any Deed, Will or other Instrument, shall embrace different lots or parcels of land situate in different localities in the same County, it shall only be necessary to furnish one Memorial of such Deed, Will or other Instrument, and such Memorial shall be copied into the Registry Book for the City, Town, Township or place in which the different parcels or lots of land are situate, in the same manner and to the same extent only as if a separate Memorial had been furnished in relation to the lands situate within such City, Town, Township or place respectively, and the Register shall make the necessary Entries and Certificates accordingly: Provided always, that only one Certificate of Registry shall be allowed or charged for, and that in counting folios to be charged for, the marginal certificates, notes or references shall not be included.

Proviso.

Sect. 9 of 9 V. c. 34, repealed: on

VI. And be it enacted, That the ninth Section of the said in part recited Act shall be and is hereby repealed; and instead thereof, Be it enacted, That a Memorial of any such Deeds, Conveyances

Conveyances, Wills or Probate thereof, as shall be made and executed or published in any place within Upper Canada, other than the County in which the lands mentioned therein lie, shall be entered and registered by the Register or his Deputy as aforesaid, provided an affidavit, sworn before one of the Judges of the Superior Courts of Common Law or of Equity in Upper Canada, or a Judge of any County Court within his County, or a Commissioner duly authorized to take affidavits in the Court of Queen's Bench or the Court of Common Pleas in Upper Canada, be brought to the said Register or his Deputy, wherein one of the witnesses to the execution of such Deed or Conveyance shall swear to the execution of the same as also of the Memorial thereof, and to the place where the same were executed, and in case of Wills, one of the witnesses to the Memorial of such Will or Probate thereof, shall swear to the execution of such Memorial; and the same shall be a sufficient authority to the said Register or his Deputy, to give the party that brings such Deed, Conveyance, Will, or Probate thereof and affidavit, a Certificate of the registering of the same, which Certificate, signed by the said Register or his Deputy, shall be taken and allowed as evidence of the registry of the same, in all Courts of Record in Upper Canada, any thing in the said in part recited Act to the contrary thereof in any wise notwithstanding.

what proof Memorials shall be received of Deeds executed in U. C. but out of the County in which the lands to which they relate, are situate.

VII. And be it enacted, That whenever, after the passing of this Act a Deed or Conveyance shall be executed under and by virtue of a Letter or Power of Attorney from the Grantor or Grantors, a Memorial of such Letter or Power of Attorney may be registered, in the same manner and upon the same evidence as a Memorial of a Deed or Conveyance is now legally registered, and the Register shall be allowed the same fees for recording the same, as for a Deed or Conveyance under this Act.

Memorials of Letters of Attorney may be registered, and how.

VIII. And be it enacted, That every Register in Upper Canada shall be allowed the following fees, and no more, that is to say:

Fees to Registrars in U. C.

For drawing Affidavit of Execution of Instrument and Memorial brought to be registered, if done by the Register or his Deputy, including swearing and all Certificates thereof, Two Shillings and Six Pence;

Affidavits of execution.

For recording every Deed, Conveyance, Will, Power of Attorney or Agreement, including all necessary Entries and Certificates, Six Shillings and Three Pence, but in case such Entries and Certificates exceed eight hundred words, at the rate of Eight Pence for every additional hundred words;

Recording Deeds, &c.

For registering Certificate of Judgment, Two Shillings and Six Pence, satisfaction thereof Two Shillings and Six Pence;

Certificates of Judgment.

For

Certificates of payment of Mortgage Money. For entering Certificate of Payment of Mortgage Money, including all Entries and Certificates thereof, Two Shillings and Six Pence ;

Affidavit of execution. Drawing Affidavit of the Execution thereof, including the swearing of the witness, when done by the Register or his Deputy, Two Shillings and Six Pence ;

Searches. For searching Records relating to the title of any lot or parcel of land not exceeding four references, One Shilling and Three Pence, and One Shilling and Three Pence for every additional four distinct references, and so in proportion for every number of searches made ; Provided always, that in no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of Ten Shillings ;

Extracts. For every extract furnished by the Register, including Certificate, One Shilling and Three Pence, and where the same exceeds one hundred words, Nine Pence for every additional one hundred words contained in such Extract and Certificate.

Registers to keep Books of Receipts of Fees, &c., and make Returns thereof. IX. And be it enacted, That every Register of a County in Upper Canada, shall keep a Book in which shall be entered all the Fees and Emoluments received by him, by virtue of his office as such Register, shewing separately the sums received for registering Memorials, Certificates and other Documents, and for searches, and he shall make a Return of such Fees and Emoluments in detail to the Legislature annually.

Sect. 16 of 9 V. c. 34, repealed. X. And be it enacted, That the sixteenth Section of the said in part recited Act shall be, and the same is hereby repealed.

Word "County" interpreted. XI. And be it enacted, That the word "County" in the foregoing provisions of this Act, shall mean any County or union of Counties for which a separate Registry Office is or shall be required by law to be kept.

Commencement of this Act. XII. And be it enacted, That the Eighth, Ninth and Tenth Sections of this Act shall take effect upon, from and after the first day of January, one thousand eight hundred and fifty-four only.

Holidays at Registry offices. XIII. And be it enacted, That the following holidays shall be allowed in the several Registry Offices in Upper Canada, namely, Christmas, New Year's Day, Good Friday, Ash Wednesday, Easter Monday and the Queen's Birth Day.

SCHEDULE.

Form of Certificate referred to in the third Section of this Act.

This Register contains _____ pages, and is to be used in an dfor the (City, Town or Township of, *as the case may be*) in the County of _____ for the Enregistration of Memorials, under the provisions of the Act of the Legislature of the Province of Canada, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, and of the Act of the said Legislature amending the same, and is provided in pursuance of the requirements of the said Statutes.

Dated this _____ day of _____ in the year of Our Lord, one thousand eight hundred and fifty-

A. B.

Judge of the County Court of

C A P . C L X X X V I I I .

An Act for the better management of the Provincial Lunatic Asylum at Toronto.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to make better provision for the management of the Provincial Lunatic Asylum at Toronto: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth sections of the Act of the Legislature of Upper Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Act to authorize the erection of an Asylum within this Province for the reception of Insane and Lunatic persons*, and so much of any other part of the said Act or of any other Act or Law, as may be inconsistent with the provisions of this Act, shall be and are hereby repealed.

Preamble.

Sects. 2, 3, 4,
5, 6, 7, 8, 9,
10, 11 and 12
of Act of U.
C., 2 V. c. 11,
repealed.

II. That the Provincial Lunatic Asylum in Toronto, and all the property real and personal, and all effects belonging to it, shall be vested in the Crown.

Asylum and
property
vested in the
Crown.

III.

Financial business and affairs to be managed by a Bursar, who shall give security and report periodically.

III. That the financial business and affairs of the said Institution shall be managed by an officer to be appointed by the Governor during pleasure, and to be called "The Bursar of the Provincial Lunatic Asylum," who shall give Bonds in such sum as the Governor shall direct, for the due performance of the duties of his Office, and shall report the state of the income and expenditure to the Visiting Commissioners at each visit, and monthly to the Medical Superintendent hereinafter mentioned, quarterly to the Governor, and annually to each House of the Provincial Parliament, within ten days after the opening of each Session thereof.

Medical Superintendent to be appointed: his special duties.

IV. That the Governor may appoint during pleasure a Medical Superintendent who shall reside in the Asylum, and who shall direct and control the medical and moral treatment of the patients,—hire and discharge from time to time the Keepers and Servants,—watch over the internal management, and maintain the discipline and due observance of the By-laws of the Institution,—report the condition thereof to the Visiting Commissioners at each visit and annually to the Governor, and to each House of the Provincial Parliament within ten days after the opening of each Session thereof.

Governor to appoint Commission of four persons, who are to frame By-Laws, &c.

V. That the Governor may appoint, at least, four times a year, a Commission consisting of not less than four persons, only two of whom shall be resident in Toronto, whose duty it shall be thoroughly to examine and report on the manner in which the Institution is conducted, and to examine and forward to the Governor, with their observations thereon, the reports respectively made to them by the Medical Superintendent and Bursar, and further, to frame such By-laws as may seem to them advisable for the peace, welfare and good government of the Institution, which By-laws shall have effect in the Asylum when the Governor shall have signified his assent thereto.

Commissioners to keep record of proceedings, and transmit to Governor.

VI. That the said Commissioners shall keep an exact record of all their proceedings, and transmit a copy thereof to the Governor signed by them or a majority of them.

No Lunatic to be received without Certificate of three Medical Licentiates, verified by Reeve or Mayor.

VII. That no person shall be received into the Institution as a Lunatic without a Certificate from three Medical Licentiates, signed and verified by the Reeve of the Township or incorporated Village, or the Mayor of the City or incorporated Town from which the Lunatic may have been sent, and in the absence of the Reeve or Mayor, by the Deputy or other person who shall for the time being be authorized to act in the place of the Reeve or Mayor, which Certificate shall state that the subscribing Medical Licentiates at the same time and in the presence of each other, examined the patient, and after due inquiry into all necessary facts relating to his case, found him to be a Lunatic; and such Certificate shall be sufficient authority to

to any person to convey the Lunatic to the said Asylum, and to the authorities of the Asylum to detain him therein so long as he shall continue to be insane.

VIII. That when any Lunatic sent to the Asylum shall be under the age of twenty-one years, and shall have a Father or Mother able to pay for his maintenance, or shall have a Guardian or Committee, it shall be the duty of the Bursar and Medical Superintendent to send a copy of the Certificate mentioned in the last section attested under their hands, to the Father or Mother, Guardian or Committee, as the case may be, of such Lunatic, to which copy the said Medical Superintendent and Bursar, shall subscribe a Certificate of the admission of such Lunatic and of the amount which will become due for him per quarter to the Asylum by the By-laws thereof.

When Father, Mother or Guardian of Lunatic under 21 is able to pay for his maintenance, duty of Bursar and Superintendent to send Certificate.

IX. That it shall be lawful for the Bursar, conjointly with the Medical Superintendent, on the first day of each of the months of January, April, July and October, and during the time the Lunatic shall remain in the Asylum, to demand from the Father or Mother, Guardian or Committee, as the case may be, of such Lunatic, such sum as may be due for such Lunatic to the Asylum, which sum shall be forthwith paid on such demand; and on the first of the said quarter days after the admission of the Lunatic, such demand shall be for a sum proportionate to the broken period elapsed since the admission of the Lunatic, and on the discharge of the Lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day; and in case of refusal or neglect to pay the same, the said Bursar may apply to the County Judge of the County in which such Father or Mother, Guardian or Committee may reside, upon Affidavit, and the said Judge, on the return of a Rule, which he shall make upon the proper party, to shew cause, being satisfied that the Father or Mother of the Lunatic is able to pay for his maintenance as aforesaid, or that such Guardian or Committee is able to pay for the same out of property in his possession belonging to such Lunatic, the said Bursar shall be entitled to an order for the payment of the amount then due and the costs, and a Writ of Execution may issue thereon in like manner as upon a Judgment of the said Court for such amount: and the said Judge, after hearing the parties and their witnesses under Oath, either orally or in writing by Affidavit, may make the order herein referred to, or, if he shall think fit, direct an issue to be made up and tried before a Jury previous to making such order.

Bursar and Superintendent may demand amount due for Lunatic.

Mode of enforcing the claim if not paid forthwith.

Hearing of the case.

X. That if any Lunatic upon or at any time after his admission into the Asylum, shall possess or become possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Asylum can be paid, and he shall have no Guardian or Committee lawfully appointed to take

If a Lunatic in the Asylum be possessed of property, and the sum due for his main-

tenance be not paid, the Bursar may take possession.

the care or management of the same for the benefit of the Lunatic, then if any such demand as aforesaid for the sum due for the maintenance of the Lunatic in the Asylum be not paid on demand, or there be no one of whom it can be demanded, and such property shall, in the opinion of the Bursar, be more than sufficient to maintain the family (if any) of such Lunatic, it shall be lawful for the said Bursar to take possession of such property, or so much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due, for the support and maintenance of the Lunatic in the Asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of such Lunatic, or as his Committee under this Act, as fully and effectually to all intents and purposes as such Lunatic could or might do, if of full age and of sound and disposing mind: Provided, that before any sale and conveyance of any real property of such Lunatic, the Bursar shall report the case with the terms of the proposed sale to the County Judge of the County within which the property is situate for his approval, and such sale and conveyance so approved, shall be valid and binding upon the Lunatic and his heirs; And provided further, that such Bursar shall be liable to render an account as to the manner in which he shall have managed the property and effects of such Lunatic in the same way and subject to the same responsibilities as any Trustee, Guardian or Committee duly appointed for a similar purpose may be called upon to account.

Proviso.

Proviso.

Inquisition in case of doubt as to property.

XI. That in all cases mentioned in the next preceding Section, if doubt or opposition arise as to the right of property, it shall be lawful for the Bursar or the person claiming the property, to apply to the County Judge of the County in which such property shall be, to cause an inquisition to be held before such County Judge and to try and determine either by himself, or by a jury when required by either party but not otherwise, the right of property; which such Judge shall accordingly do.

Governor to fix salaries, within certain amounts.

XII. That the Governor of this Province may fix the salaries of the Medical Superintendent not to exceed Five Hundred Pounds, and of the Bursar not to exceed Three Hundred Pounds, and of the Commissioners not to exceed the rate of Twenty-Five Shillings *per diem*, and the same shall be payable out of any funds appropriated to the support of the said Asylum.

Interpretation.

XIII. That the word "County" in this Act, shall include any Union of Counties for Municipal purposes; the word "Father" shall include any husband of the mother of a Lunatic, and the word "Mother" shall include any wife of the husband of a Lunatic: provided, in either case, that the birth of such Lunatic be legitimate.

XIV.

XIV. That this Act shall apply only to Upper Canada, and shall come into force upon, from and after the Twentieth day of June, one thousand eight hundred and fifty-three, and not before. Extent and commencement of Act.

C A P. C L X X X I X .

An Act to provide for the safety of Her Majesty's Subjects and others on the Highways in Upper Canada, and to regulate the Travelling thereon.

[Assented to 14th June, 1853.]

WHEREAS it has been found that the laws now in force in Upper Canada for the regulation of travelling on the Highways therein, are inadequate to the protection of Her Majesty's subjects and others, and to the prevention of the numerous and fatal accidents which have so repeatedly occurred, and it is therefore expedient to amend the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of any Act or law now in force in Upper Canada, as may be inconsistent with the enactments hereinafter made, shall be repealed by the passing of this Act. Preamble.

Inconsistent laws repealed.

II. And whereas it is expedient to make better provision for the regulation of travelling on the said Highways, Be it therefore enacted, That all persons travelling upon the Highways of Upper Canada, whether in charge of stage coaches, waggons, carriages, sleighs, carioles, or any other vehicle to which oxen, horses or any other animal or animals shall be attached, or on horseback, shall, when meeting each other on the said Highways, turn out to the right hand from the centre of the said Road, and give to each other one half of the said Road. Rules respecting carriages, &c., meeting.

III. And be it enacted, That if from the extreme weight of any load the driver thereof shall find it impracticable so to turn to the right hand as aforesaid, by reason of the centre ruts or waymark on the said Road, he shall, on meeting any coach, waggon, carriage, sleigh, cariole or other vehicle as aforesaid, immediately stop, and if required so to do, shall assist the person or persons so met to pass without damage. When the weight of the load on one of the carriages is very great.

IV. And be it enacted, That every person travelling with any vehicle or on horseback as aforesaid, when overtaken by any vehicle or horseman travelling at greater speed, shall quietly Carriages, &c. going the same way.

quietly turn out to the right, giving one half the Road to the person so overtaking him, or if unable to turn out as aforesaid, the person so overtaken shall stop and allow the other to pass, giving assistance if required or necessary to effect such passing.

Persons driving carelessly, &c., being drunk.

V. And be it enacted, That every person in charge of any stage coach, waggon, carriage, sleigh, cariole or other vehicle, horse or animal who shall be unable to drive or ride the same with care through drunkenness, shall, upon due proof thereof, be liable to the penalties imposed by this Act.

Meeting or overtaking foot passengers.

VI. And be it enacted, That any person riding or driving on the Highways aforesaid, shall, on meeting or overtaking any person or persons on foot, carefully pass the same by giving them a portion of the track or otherwise.

Furious driving prohibited.

Improper language.

VII. And be it enacted, That all racing or furious driving upon any Highway in Upper Canada shall be unlawful, and the person or persons so racing or furiously driving, or shouting and using blasphemous or indecent language shall, on due proof thereof, be liable to the penalties imposed by this Act.

Fast driving over bridges.

VIII. And be it enacted, That any person or persons riding or driving any carriage, horse or other animal over any Bridge above the length of thirty feet, at any pace faster than a walk, shall be liable to the penalties imposed by this Act; and notice to this effect shall be placed upon such Bridges by the Municipality in which the same shall be situate.

Leaving horses untended.

IX. And be it enacted, That no person shall leave any horse, team or animal upon any Highway, whether travelling or standing, unless it be properly secured or some person shall be travelling with or in charge of the same.

Bells to carriages on runners.

X. And be it enacted, That every person driving in a sleigh, cutter, cariole or other vehicle on runners in the Winter season, shall have not less than three Bells attached to each horse harnessed thereto; and if there be but one horse, not less than six bells shall be attached thereto.

Punishment for violation of this Act.

XI. And be it enacted, That for any violation of any of the preceding Sections of this Act, duly proved upon the oath of one credible witness, before any Justice of the Peace, the offender shall incur a fine of not less than Twenty Shillings nor more than Five Pounds, in the discretion of the said Justice, with costs to be levied by distress and sale of the offender's goods and chattels,—and on failure to levy the same by such distress and sale, the offender shall be imprisoned in the Common Gaol of the County in which the offence was committed, or in the County where the offender may be tried and convicted, for a period of not less than three days nor more than

than one month, at the discretion of the said Justice : Provided Proviso. always, that the said fine and imprisonment shall be no bar to the recovery of damages by the injured party before any Court of competent jurisdiction.

XII. And be it enacted, That all fines collected under the provisions of this Act shall be paid to the Treasurer or Chamberlain of the Township, Town or City where the offence was committed, to be expended on the Public Roads or Streets within such Township, Town or City. Application of fines.

XIII. And be it enacted, That the Clerk of each and every Municipality, shall cause a sufficient number of copies of this Act to be printed immediately after the passing thereof, and send to every Inn-keeper within his Municipality two copies of the same ; and the said Inn-keeper shall exhibit one of such copies publicly in his Bar-room, for the space of six months next after the receipt thereof. Copies of this Act to be distributed.

XIV. And be it enacted, That all convictions under this Act shall be subject to appeal in the same manner as other summary convictions before Justices of the Peace. Appeals allowed.

XV. And be it enacted, That this Act shall apply only to Upper Canada. Extent of Act.

C A P . C X C .

An Act to amend and consolidate the several Acts for the formation of Joint Stock Companies, for the construction of Roads and other Works in Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to encourage the construction of Plank, Macadamized or Gravelled Roads, and also Bridges, Piers and Wharves, connected therewith, in Upper Canada, by Companies who may be disposed to subscribe the necessary capital for the completion thereof ; And whereas the delay and expense incident to obtaining a special Act of Incorporation from the Legislature, for each separate Company, operate as a great discouragement to persons desirous of embarking capital for the formation of such Companies ; And whereas several Acts have been passed by the Parliament of this Province for the accomplishment of this purpose, in particular an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada* ; also an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other Works in Upper Canada,' and* Preamble. 12 V. c. 84. 14 & 15 V. c. 122.

to

12 V. c. 25.

14 & 15 V.
c. 57.

Acts 12 V. c.
84, 12 V. c.
25, 14 & 15 V.
c. 122, and
certain sects.
of 14 & 15 V.
c. 57, repeal-
ed.

Also 16 V.
c. 4.

Existing
Companies
continued :
how this Act
shall apply to
them.

Proviso.

Companies
may be form-

to extend the provisions thereof, which Acts have been found defective and ambiguous in many of their provisions; And whereas it is expedient that the before mentioned Acts, together with an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to exempt Naval and Military Officers, and others, on duty in Her Majesty's Service, from the payment of Toll upon any Turnpike Road in this Province*, and also the second, third, fourth, fifth, sixth, seventh and eighth Sections of an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities*, should be repealed, and that a new Act should be passed, placing all Roads, whether constructed by Companies formed under authority of any of the aforesaid Acts, or to be formed under the authority of this Act, or constructed or acquired by Companies or Municipalities by purchase, except as hereinafter provided with regard to Roads having private Acts of incorporation, under one uniform rate of Tolls and set of Rules for their management, so far as practicable: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the three several Acts hereinbefore first mentioned, and the titles of which have been hereinbefore recited, also the second, third, fourth, fifth, sixth, seventh and eighth Sections of the said Act, intituled, *An Act to remove doubts as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities*, and the Act passed during the present Session, intituled, *An Act to confer certain powers on Municipal Corporations and Companies to take materials to repair Roads*, be, and the same are hereby repealed; but all Companies incorporated under the said Acts or either of them shall subsist, continue and be perpetuated, notwithstanding the repeal of the said Acts, and the said Companies shall be subject to, and may avail themselves of the provisions of this Act as fully and effectually to all intents and purposes as if they had been incorporated under this Act, and in all cases of doubt or ambiguity this Act shall be deemed and taken to be declaratory of the meaning of the said Acts: Provided that this clause shall not affect the rights of any party in any action, suit or proceeding now pending in any Court, but the same shall and may be proceeded with and determined as if this Act had not been passed.

II. And be it enacted, That any number of persons, not less than five respectively, may in Upper Canada, in their discretion, form

form themselves into a Company, under the provisions of this Act, for the purpose of constructing and may construct in and along or over any public road or highway, allowance for road, or on, along, or over any land, a road or roads of the kind mentioned in the preamble to this Act, not less than two miles in length, and also any bridge or bridges, pier or piers, wharf or wharves, in Upper Canada ; Provided always, that no such Company shall construct any such road or other such works as aforesaid, through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except as herein-after provided, nor shall any such road be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the County Engineer, for the time being, if there be such officer in the County where the Road or other work is situate or to be constructed, and if there be no such officer, then by some competent Engineer to be appointed by such County Council, for that purpose : And provided also, that no such Company shall be formed under the provisions of this Act, to construct any line of Road, for which a Charter shall have been heretofore obtained, provided the Company which shall have obtained such Charter shall have its stock subscribed, and be in a course of completing the work for which such Charter shall have been obtained within the time limited in that behalf by the Acts hereby repealed, or either or any of them, nor shall any private property be taken, for any other such work as aforesaid, without the consent of the owner, if such owner shall himself commence such work within one year, and shall complete the same within two years, from the time he shall be notified that a Company has been formed for constructing the same, nor shall any property of the Crown be so taken without the approval of the Governor in Council : And provided also, that no such road shall be constructed or pass within the limits of any City, or the liberties thereof, or within the limits of any incorporated Town or Village, except by special permission, under a By-law of such City, Town or Village, to be passed for that purpose : Provided also, that all bridges in the line of road between the termini of any such road, which shall not be within the limits of any City, incorporated Town or Village, shall be deemed part of such road to all intents and purposes whatever, unless specially excepted in the Instrument of association of such Company.

ed for the construction of plank and other roads, &c.

Proviso as to taking property.

Proviso as to lines for which other companies have been chartered.

Private property not to be taken in certain cases.

Proviso as to Cities and Towns.

Proviso as to bridges on any road.

III. And be it enacted, That no Company to be formed under the provisions of this Act shall commence any work until thirty days after the Directors shall have served a written notice upon the Head of the Municipality in the jurisdiction of which such road or other work shall be intended to pass or to be constructed ; and that if the Municipal Council of such locality as aforesaid shall pass any By-law prohibiting, varying or altering any such intended line of road, or the plan of any such other

Notice to be served on the Head of the Municipality prior to any Company commencing any work.

Municipal Council may by By-law prohibit the work.

Proviso limiting By-law of Municipal Council to first sitting after service of notice.

Proviso as to closing up of old roads, and the disposal of the site thereof.

Companies to be incorporated on certain conditions and the observance of certain forms.

Six per cent of Capital to be paid up.

Registration of Instrument of Association and Receipt how made.

Registers Fee, &c.

General Corporate powers of Company so formed.

other work, such By-law shall have the same force and effect, and be as binding, effectual and obligatory upon all persons whomsoever, and upon any such Company if such Company proceed in the construction of such road or other work, as if the provisions thereof had been inserted in the body of this Act: Provided always, that if no such By-law shall be passed within thirty days after the service shall have been made upon such Head of the Municipality, then the said intended road or other work may be proceeded with without being liable to any interruption or opposition from any source whatever: Provided also, that when any new road shall have been or be opened, or the line of any old road be changed, it shall be lawful for the Municipality having such jurisdiction as aforesaid, to pass a By-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person or persons from whom ground shall have been taken to form such new road, provided it shall not exclude any person residing on or near the line of the old road from a convenient access to the new road.

IV. And be it enacted, That before any such road or other work as aforesaid shall be commenced, and in order to afford a sufficient guarantee to the public that such Company is not a fictitious one, and that such road or other work is intended to be proceeded with, such Company shall subscribe a sufficient quantity of stock to amount to a sum adequate in their judgment to the construction of any such road or other work, and execute an Instrument according to the form or to the purport of that contained in the Schedule to this Act marked A; and the said Company, or any one of their number, or the Directors named in the said Instrument, shall pay to the Treasurer of such Company six per cent. upon the amount of the Capital Stock of the Company mentioned in the said Instrument, and shall register such Instrument, together with a Receipt from the Treasurer of such Company for such payment or instalment of six per cent., which registration shall be made by leaving the original Instrument and Receipt with the Register of any one County in which such road or other works shall be wholly or partly situated or intended to be made, who shall register the said Instrument and Receipt in a Registry Book to be provided by each Registers for that purpose, for which registry he shall be entitled to a fee of Two Shillings and Six Pence, and he shall afterwards retain the said original documents in his custody, and shall be bound to produce the same upon all occasions when legally required to do so by the Directors or Treasurer of the said Company, or otherwise.

V. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall thenceforth become and be a Chartered and Incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid; and

and by such name they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any land, tenements and hereditaments whatsoever, which may be useful and necessary for the purposes of such Corporation.

VI. And be it enacted, That any such Company, or any other Company heretofore chartered by Act of the Legislature for a like purpose, shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any other such work as aforesaid intended to be constructed by any such Company, and to designate and establish, take, appropriate, have and hold to and for the use of them and their successors, the requisite lands upon the line and within the limits of any such road, or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same, and to dig, take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and also to cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses, as may be necessary for effectually draining or carrying off the water from any such road or other work; and whenever any such road passes through or by any wood or standing timber, to cut down the trees and underwood for one hundred feet on each side of the said road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic, doing no unnecessary damage.

Powers of Company to explore the country, and to take land and materials.

Drainage.

Cuttings.

Entry on lands.

VII. And be it enacted, That if the owner or owners, occupier or occupiers of any land, over, through or upon which any such Company aforesaid may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall, upon demand made by the Directors of any such Company, neglect or refuse to agree upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of any such Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said

Arbitrators to be appointed in case of owners of property through which the road may pass, &c., disagreeing with the Company as to the Compensation to be paid by the Company.

said Company to name one Arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another Arbitrator, and for the said two Arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid, and upon such sum being ascertained, due attention being had by the Arbitrators, in ascertaining the same, to the benefits to accrue to the party demanding compensation, by the construction of the said road or other such work, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance of such land to the Company or other such document as may be requisite, and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid in such and the like manner as if the conveyance thereof or other document had been executed as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of twenty days after having been notified so to do by the Company, or if the said two Arbitrators do not within the space of twenty days after the appointment of such second Arbitrator agree upon such third Arbitrator, or if any one or more of the said Arbitrators shall refuse or neglect, within the space of ten days after his or their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act as an Arbitrator for the person so neglecting to name an Arbitrator as aforesaid, or to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid; and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same: Provided, that no road or other such work as aforesaid shall be made so as to encroach upon any building or to pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any inclosed land, without the consent of the owner: Provided also that it shall not be competent for any owner or occupier of land through or along which such road is intended to pass, after a survey of such road is made, to erect any building or to inclose any part of such surveyed land as a yard, or

Mode of computing damages, &c.

Tender of payment of award.

Proviso if the party shall neglect to name an Arbitrator, or Arbitrators cannot agree on a third.

County Judge to appoint.

Award may be made by any two.
Proviso as to gardens, yards, &c.

Proviso: Owner not to inclose, &c., in order to evade this Act.

to plant fruit trees thereon, so as to form an orchard, with a view to prevent such Company taking possession of such land.

VIII. And be it enacted, That whenever any lands or grounds, required by any such Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or may be unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unknown or unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named, before proceeding to arbitrate, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to arbitrate, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of a majority of such Arbitrators shall be binding; which said amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, when demanded; and also that a record shall be made and signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by the said Arbitrators, or a majority of them; which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situated, and such Company shall thereupon be fully authorized to enter upon and take possession of such lands to and for the uses of the said Company, and to proceed with the construction of their road or other work in, along or over the same; and the Arbitrators shall specify in the award by which of the parties the said costs are to be paid: Provided that in any case of arbitration under this Act, if the Company shall, before the appointment of their Arbitrator, have tendered a sum equal to or greater than that awarded by the Arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, on payment thereof to the party entitled to receive the same: And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased

How Arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

Award to be paid forthwith.

Award to be registered.

Must state by whom the costs shall be paid.

Proviso: If the Company have offered a sum.

Lands taken to be free of incumbrances.

purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

Cases of lands belonging to Indians provided for.

IX. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians ; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said Chief Officer for the use of such tribe or body.

Meetings and proceedings of the Arbitrators.

X. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place ; and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said Arbitrators or a majority of them shall, within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount so in dispute as aforesaid.

If the Directors think it desirable to widen, &c., their works, they may raise a certain amount by loan or the issue of new Stock.

XI. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to widen, extend or alter the projected line of road, to construct any side-roads to intersect the original main road, to improve or repair any road by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed, or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to issue debentures, for sums not less in amount than Twenty-five Pounds each, signed by the President and countersigned by the Treasurer of the said Company, not exceeding in amount in the whole one half of their paid up Capital Stock, or to borrow upon security of the said Company, by bond or mortgage of the road and tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their Resolution, a copy whereof, under the hand of the President and seal of the Company, shall be engrossed

at

at the head of the Subscription List to be opened for subscribers ; and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President shall deliver such new list of subscribers to the Register having the custody of the original Instrument, who shall attach such new list of subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said Instrument ; and all the subscribers thereto, and those who may thereafter enter their names as subscribers thereon, with the consent of such Directors, to be signified by a Resolution of the Board under the hand of the President and seal of the Company, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages to which the original subscribers shall thenceforth be entitled, and as well to the first line of road as to any widening, extension or alteration thereof as aforesaid, and which the said Companies are hereby authorized to widen, make and construct, and which shall thenceforth be considered as part and parcel of the original line ; and such additional shares or stock shall and may be called in, demanded and recovered, in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original shares or stock of any such Company.

List of holders of new Stock to be registered: its effect; and obligations and right of such holders of new Stock.

XII. And be it enacted, That each share in every such Company shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Shares to be £5 each, how transferable, &c.

XIII. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall or may be formed under the provisions of this Act, or which shall have been formed under any of the provisions of the Acts mentioned in the preamble thereof, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose ; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act ; which By-law shall be published in the newspaper, or one of the newspapers nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks ; and the said Directors shall have full power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish such amended By-law in the manner above provided, and any majority of such Directors shall be a *quorum*

Affairs of the Company to be managed by five Directors.

Provisions of By-law touching their election.

Notice of By-law to be published.

Power to amend.

for

Proviso as to failure to elect Directors at any time.

for the transaction of business ; Provided however, that if the Annual Election of Directors for any such Company shall for any cause not take place at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being shall in that case continue to serve until another Election of Directors shall be held, and such other Election shall in such case be held at such time within one month thereafter, as shall be provided for by any By-law to be passed by the Directors of such Company for that purpose ; And provided further, that at any Election of Directors, each Stockholder shall be entitled to one vote for every share he may hold or be possessed of in any such Company, and upon which such Stockholder shall not be in arrear for or upon any call in respect thereof, and that any person being a Stockholder, having paid all calls made, shall be eligible as a Director.

Proviso : one vote for each share.

Any Stockholder not in arrear may be a Director.

President to be appointed, officers and servants.

XIV. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company ; and in their discretion to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company.

Vacancies occurring among Directors how to be filled up.

XV. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment, by death or resignation, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

Directors to make calls on Shares.

XVI. And be it enacted, That it shall and may be lawful for the Directors of any such Company to call in and demand from the Stockholders of the said Company respectively, all such sum or sums of money by them subscribed at such time and in such payments or instalments (not exceeding ten per cent. at any one time,) as the said Directors shall deem proper, upon notice requiring such payment published for four successive weeks in the newspaper, or one of the newspapers nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company ; Provided always, that any person, a Shareholder, neglecting or refusing to pay a rateable share of the calls as aforesaid for the space of three calendar months after the time appointed for payment thereof, shall forfeit his share or shares in the undertaking, and all the profit and benefit thereof, all which forfeitures shall go to the Company for the benefit thereof ;

Proviso : Shares forfeited if calls be not paid within a certain time.

Provided

Provided also, that no advantage shall be taken of the forfeiture unless the stock shall be declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture shall be incurred; and that any such forfeiture shall be an indemnification to and for any Shareholder so forfeiting, against all actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on such undertaking; Provided also, that the Directors of such Company may sell, either by public auction or private sale, and in such manner and on such terms as to them shall seem meet, any shares so declared to be forfeited in the Capital Stock of the Company, or pledge such forfeited shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company, and that a Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact therein stated and of their purchase by the purchaser, and, with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books kept or required to be kept by the By-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and that any Shareholder may purchase any shares so sold.

Proviso:
How forfeiture
must be de-
clared.

Proviso.
Sale of for-
feited shares.

Transfer to
purchaser.

XVII. And be it enacted, That any such Company so to be incorporated as aforesaid, or that may have been incorporated previous to the passing of this Act, may in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of stock which such Stockholder may neglect to pay, after public notice of such call shall have been given for two weeks in the newspaper, or one of the newspapers published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company; and that in any action or suit to be brought by any such Company against any Stockholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company, by virtue of this Act.

Company
may sue for
calls instead of
forfeiting
stock.

Allegations
in such suit.

Proof in such
suit.

XVIII. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the defendant, at the time of making such call was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors, who made such call or any other matter whatever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

Two or more
companies
may in cer-
tain cases
unite as one
Company,
and how.

XIX. And be it enacted, That it shall and may be lawful for any two or more Companies, formed for the construction or purchase of Roads which may intersect or be contiguous to each other, with the consent of the Stockholders representing or holding at least two thirds of the Capital Stock of such Companies respectively, such consent to be expressed by a resolution to that effect, to be adopted at a General Meeting of the Stockholders of each Company respectively, to be called for that purpose, to unite and form one Consolidated Company, by such name and on such terms as to them may seem meet; and upon the adoption of such resolutions respectively, it shall and may be lawful for the Presidents of such respective Companies to execute under the seal of such Companies respectively, an Instrument in the form of the Schedule to this Act annexed, marked B., and to deliver or cause the same to be delivered to the Register of any one County in which such Roads shall be wholly or partly situated or intended to be made, who shall register the same, in the same manner provided and prescribed by the fourth Section of this Act in respect of the original Instrument of Association of such Companies respectively, or either of them, and that from thenceforth such Companies shall be and form one Consolidated Incorporated Company, by such name, so to be designated in the said Instrument as aforesaid, with all the powers and subject to all the liabilities of other Companies formed under the provisions of this Act, in the same manner as if such Companies had originally been formed and constituted as one Company only under this Act; and all the roads, estate, property and effects with the rights and privileges of such respective Companies shall thenceforth be vested in and be used and enforced by the said united Company, and the said united Company shall be subject to and responsible for all the debts, contracts and liabilities of the said respective Companies, in the same manner and to the same extent as if the said united Company had originally formed or been composed of one Company, and were not constituted by the union of two or more Companies as herein provided.

Registry of
Instrument.

Its effect.

Rights and
liabilities of
Company
formed by
such union.

XX. And be it enacted, That every such road or other work as aforesaid, and all materials which shall from time to time be provided for constructing, building, maintaining, widening, extending or repairing the same, and all toll-houses, gates, and other buildings, constructed and acquired by or at the expense of any Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in such Company, and their successors.

Roads or other works and materials for the same vested in companies and their successors.

XXI. And be it enacted, That any Municipal Corporation or Company which has already acquired or made, or may hereafter acquire or make, any such Macadamized, Plank or other Road in Upper Canada, shall have the same power and authority, to search for and take materials for making and keeping any and all of such roads in repair, as is given by this Act to Road Companies for the construction of roads, and the price or damage to be paid to any person or party for such materials, or for any thing done in pursuance of the powers given hereby, shall, if not agreed upon by parties concerned, be settled by arbitration in the manner provided by this Act, for lands or materials taken or required for the original construction of any such road or other work.

Companies may search for and take materials for making or repairing Roads.

XXII. And be it enacted, That any Company now or hereafter to be formed under the provisions of the Acts recited in the preamble hereof, and of this Act, for the construction of any turnpike road, may in their discretion form the same in part or the whole, either of metal, gravel, timber, charcoal or any other suitable material, for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered Instrument of Incorporation or not.

Of what materials Roads may be made.

XXIII. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality through or along the boundary of which any such road shall pass, or in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with and transfer stock in any Company to be formed under authority of this Act, or by any Company heretofore chartered by any Act of the Legislature for the like purpose, and from time to time to direct the Mayor, Reeve, Warden or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such stock, and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other Chief Officer, shall, whether otherwise qualified or not, be deemed a Stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality by their By-laws or otherwise, but voting according to his discretion in cases not provided for by such Municipality ; and

Municipalities may acquire stock in such Companies.

Who shall vote on such stock.

Municipalities may raise money to pay for such stock.

and it shall be lawful for such Municipality to pay all instalments upon the stock they shall subscribe for, and acquire, out of any moneys belonging to such Municipality and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

Municipalities may loan money to companies ;

XXIV. And be it enacted, That it shall always be lawful for the Municipality of any locality, through or along the boundary of which any such road shall pass, or within which any such work as aforesaid shall be constructed, to loan money to the Company authorized to make such road or construct such work, or to any Company heretofore chartered by Act of the Legislature for a like purpose, and out of any moneys belonging to the Municipality and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed on between such Company and the Municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such Municipality, and it shall and may be lawful for such Municipality to issue debentures for the payment of any loan they may think proper to negotiate with any such Company, in the same manner and subject to the same conditions as required by law with regard to the issuing of other debentures.

And issue Debentures.

Companies may sell their works and rights to Municipalities.

XXV. And be it enacted, That it shall be lawful for any Company to be constructed under the authority of this Act, or already constructed under the authority of any Act of the Legislature of this Province, whenever they shall see fit, to sell to any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, and for such Municipal authority to purchase the stock of such Company or any part of the road belonging to such Company, at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality ; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised in respect to such road or part of road.

Municipalities may sell Roads, &c., to Companies. Application of price.

XXVI. And be it enacted, That it shall and may be lawful for any Municipality to sell any work or Macadamized, Plank or other Toll-road which they may have constructed or purchased, or any stock held in any road or other Company, applying the proceeds of such sale to the payment of existing debts contracted for the construction of the same, or for such stock, or if no debt exists for such work, road or stock, then to the general purposes of the Municipality, or otherwise, as they may determine.

XXVII. And be it enacted, That every Company incorporated or to be incorporated as aforesaid, shall be bound and is hereby required to complete each and every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they shall have become incorporated as aforesaid, within two years from the day of their becoming incorporated under this Act, in default whereof they shall forfeit all the corporate and other powers and authority which they shall have in the meantime acquired, and all their corporate powers shall thenceforth cease and determine, unless further time be granted by a By-law of the County or United Counties in which such road or the greatest portion thereof shall be situate; and if such road or extension thereof shall exceed five miles in length, then such Company shall be bound to complete in each and every year after the expiration of the first two years as aforesaid, not less than five miles of such road until the same be entirely finished under pain of forfeiture of their charter and of the corporate powers and authority thereby acquired, so far as concerns the portion of such road which shall remain unfinished, and not otherwise, unless further time be granted as aforesaid.

Roads, &c., to be completed within a certain period after incorporation of Companies.

Penalty for default.

Periods for completion in different cases.

XXVIII. And be it enacted, That it shall and may be lawful for the President and Directors of any such Company from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle, swine, sheep or other animals, driven upon, over and along any such road, or from all persons passing over any bridge with any such carriages or animals as aforesaid, or using any work constructed, made or owned by such Company under and by virtue of the provisions of this Act; Provided always, that so soon as two or more miles of any such road or extension thereof shall have been completed, tolls may be taken therefor, but on no other work shall tolls be taken until the same be completed.

Tolls how to be fixed, paid and levied.

Proviso: When Tolls may be collected.

XXIX. And be it enacted, That tolls may be taken by any such Company at each time of passing each gate upon any road constructed or owned by such Company, for any portion of such road on either side or on both sides of the said gate (not being more than five miles) to the next gate or gates on the same road, if any, and not exceeding five miles in the whole, or for the whole of such road, if the length thereof do not exceed five miles, and there be only one gate thereon, at the following rates, that is to say; for every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one penny per mile; and for every additional horse or other beast drawing any such vehicle, one half penny per mile; for every horse and rider, one half penny per mile; for every one horse, one half penny per mile; for each head of neat cattle, one half penny; for every

Limitation of Tolls.

every score or number less than a score, of sheep or swine, one half penny per mile ; Provided always, that any Company shall have full power and liberty to charge over and above these rates the sum of one half penny for every one hundred pounds, over and above four thousand, each loaded vehicle may weigh ; and also, that every vehicle loaded with masts, spars, hewn or round timber or otherwise, exceeding in weight two tons, shall, when loaded, at each time of passing each gate, pay for each ton over and above two tons, the sum of two shillings and six pence currency, and all vehicles with wheels, used for the above purpose, shall have not less than five inch tires, under penalty of paying double the amount of toll above provided ; Provided also, that whenever any road to be constructed under the authority of this Act, or a road already constructed under the authority of any Act of the Legislature of this Province, shall intersect a road constructed or owned by another chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected ; Provided it shall be incumbent on such persons to produce a ticket from the last Toll-gate on the intersecting road as evidence of their having travelled only from such intersection.

Width of tires of wheels.

Proviso :
When any such Road intersects another.

Proviso.

Tolls at bridges may, with consent of Municipal Council, exceed the said rates.

XXX. And be it enacted, That it shall be lawful for any Company incorporated under this Act or any of the Acts hereby repealed, with the sanction of the Municipal Council of the County or of the Counties having jurisdiction in the locality, to charge a higher rate of toll than is hereby authorized, at any toll-gate to be erected at any bridge upon or connected with any road constructed or to be constructed by it ; and such Municipal Council, in sanctioning such additional toll, may take into account the cost of such bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure ; and such tolls shall be collected in the same manner, and persons evading the same shall be liable to the same penalties as is herein provided with respect to other tolls.

Companies authorized to erect toll and check-gates, &c., and to fix the rates of Tolls to be collected thereat.

XXXI. And be it enacted, That every such Company shall have full power and authority to erect such number of toll-gates, check-gates, and side-bars in, along or across the said roads, and upon any other such work respectively, and fix, regulate and collect such tolls not exceeding the rates herein-after provided, to be collected at each gate, check-gate, or side-bar, as they may deem fit and expedient, (which tolls, toll-gates, check-gates and side-bars may be altered from time to time as circumstances may require), and to erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as may seem necessary and convenient for

for the due management of the business of every such Company respectively: Provided always, that no tolls shall be taken for merely crossing any road, or for travelling thereon in crossing from one transverse road to another, when the distance between such transverse roads shall not exceed one hundred yards.

Proviso: as to vehicles merely crossing a Road.

XXXII. And be it enacted, That where any such Company shall deem it necessary or convenient to erect a check-gate on any part of such road, it shall not be competent for them to demand toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate and *vice versa*; neither shall the distance regulating the rates of toll be calculated between any of the check-gates and the principal gates on such roads, but only between the principal gates themselves.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

XXXIII. And be it enacted, That the Directors of any Road Company shall and may, from time to time, if they shall see fit, commute with any person whose place of abode shall adjoin or be within half a mile of the gate nearest to his place of abode on such road.

Directors may commute for tolls.

XXXIV. And be it enacted, That after any road or portion of a road, bridge or other such work as aforesaid, constructed or acquired by any Company or Municipality under the authority of this Act, or of any previous Act of the Parliament of this Province, shall have been completed, and tolls established thereon, it shall be the duty of the Company or Municipality to keep the same in good and efficient repair; and whenever any such Company or Municipality shall suffer any portion of their road, on which tolls shall have been taken as aforesaid, to go to decay or get out of repair, it shall and may be lawful for the Judge of the County Court in the County in which such road is situated, upon the requisition of twelve freeholders residing within such County, stating that such road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to direct the engineer for the County, and if there be no such County officer, then any competent engineer, to examine the said road; and it shall be the duty of such engineer, so appointed, upon receiving such directions, immediately to inspect and examine the same, and if upon examination the road shall be found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, then he shall notify the President of the Company or Head of the Municipality to whom the road may belong, by leaving a written notice with any of the keepers of the toll-gates belonging to such Company or Municipality, stating, that in pursuance of directions from the Judge of the County Court, he has inspected their road and found it to be out of repair, and requiring

Proceedings to be taken when Roads become dangerous from want of repair.

Engineer to examine the Road.

His report.

Notice to Company if the Road be out of repair.

requiring them to take notice thereof, and cause the same to be repaired within a certain limited time to be named in such notice, and which time shall be such as in the opinion of the engineer will be ample and sufficient for making the required repairs.

Tolls not to be collected after a certain period, until repairs are made.

XXXV. And be it enacted, That if the Directors of the Company or Municipal Council, after the service of the notice in the manner set forth in the preceding Section, shall refuse or neglect to repair the road, in a good and efficient manner, within the period limited in the said notice, then, from and after the expiration of such period, until such repairs shall be completed, it shall not be lawful for the Directors of such Company or such Municipal Council, or any person authorized by them, to ask, demand or receive any toll from any person passing through the nearest toll-gates on either side of the portion or portions of road so reported to be out of repair, with or without any beast or vehicle on such road, any thing hereinbefore contained to the contrary notwithstanding.

Penalty for taking toll when the Road is out of repair.

XXXVI. And be it enacted, That if any person acting as a Keeper of a toll-gate, on a road belonging to any such Company or Municipality which shall have neglected or refused to make the necessary repairs within the period limited in the written notice before mentioned, shall, after the expiration of such period, and before the required repairs shall have been completed, ask, demand or receive any toll, from any person travelling with or without any beast or vehicle, along such road, at the nearest toll-gate on either side of the portion or portions of road so reported to be out of repair, or shall refuse to allow them to pass through such toll-gates without payment thereof, such person shall, upon conviction before any Justice of the Peace for the County in which such toll-gate or toll-gates shall be situated, upon the oath of one credible witness, forfeit and pay a sum of not less than Five Shillings, nor more than One Pound, for every such offence; to be collected or enforced in the manner prescribed for the collection or enforcement of other penalties under this Act.

How collected.

Penalty for taking more than the proper Toll.

XXXVII. And be it enacted, That if any person or persons, who shall be either the renter or collector of such tolls at any gate on any such road, shall take a greater toll from any person or persons than is authorized by law, he or they shall for every such offence forfeit and pay the sum of Five Pounds, to be recovered in the same manner as other penalties imposed by this Act.

Gate keepers not bound to give change for more than 5s.

Exemptions from toll.

XXXVIII. And be it enacted, That no Gate Keeper shall be bound to give change for a larger amount than Five Shillings.

XXXIX. And be it enacted, That all Her Majesty's officers and soldiers being in proper staff, or regimental, or military uniform,

uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle,) and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform, when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in Her service, when conveying such persons or their baggage, or returning therefrom, shall be exempted from payment of any duties and tolls, on embarking or disembarking from or upon any pier, wharf, quay or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of this Act, and also persons, horses or carriages going to or returning from any funeral, or any person with horse or carriage going to or returning from his or her usual place of religious Worship on the Lord's Day, and any farmer residing on the line of any such road passing any Toll-Gate opposite to and immediately adjoining his farm, when going to or returning from his work on such farm, shall pass the Gates on any road made or improved under the authority of this Act or of any of the before recited Acts, free of toll.

XL. And be it enacted, That it shall be lawful to charge tolls on vehicles carrying the Mails upon any road or bridge constructed under the provisions of this Act, or of any of the before recited Acts, or under any special or private Act of Incorporation, but that as regards all roads and bridges constructed by the Provincial Government or Board of Works, and transferred to any Company on condition that the Mail should pass free over the same, an exemption from toll shall continue in favor of the Mails: Provided always, that in the case of any such last mentioned road or bridge, there shall be no such exemption in favor of any Mail Stage or other Vehicle drawn by two horses and carrying the Mail and containing or having more than four passengers travelling thereby, or in favor of any Mail Stage or other Vehicle drawn by four horses and carrying the Mail and containing or having more than eight passengers travelling thereby; but that every such Mail Stage or Vehicle drawn by two horses and containing more than four passengers, and every such Mail Stage or Vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively, as above mentioned, be liable at each gate to a toll of One Penny; Provided also, that nothing herein contained shall be held to affect the rate of toll which any party may be entitled to collect under and during the continuance of any lease or contract executed before the passing of this Act.

Tolls may be charged on Mail carriages, &c.

Exception: as to certain Roads.

Proviso: exception limited, on the Roads last mentioned.

Proviso: as to Roads now under lease.

XLI. And be it enacted, That if any person not exempted by law from paying toll, shall wilfully pass or attempt to pass any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall forfeit a sum not exceeding Five Pounds and costs, to be recovered in the same manner as other fines and forfeitures may be levied under the provisions

Penalty for passing or attempting to pass Gates, &c, without payment of Toll.

Distress.

provisions of this Act, and in case no sufficient distress can be found to satisfy any Warrant that may be issued against the goods and chattels of the offender, such offender shall then be committed to the Common Gaol of the County or United Counties for any period not exceeding one month: Provided always, that a Warrant of Commitment may issue, and the party convicted may be imprisoned thereon in the first instance upon any conviction under this Section of this Act, without issuing any Warrant of Distress against goods and chattels, where the offender after conviction shall neglect or refuse to pay the amount of the fine and costs, and it shall be made to appear to the satisfaction of the acting Justice or Justices, by affidavit, that the offender has no goods or chattels within the jurisdiction of such Justice or Justices.

Proviso: imprisonment in first instance in certain cases.

Mode of enforcing payment of Tolls in case of refusal to pay: by seizure and sale of horses, &c., in respect of which they are due.

XLII. And be it enacted, That if any person or persons subject or liable to the payment of any of the toll or tolls under and by virtue of this or any other Act of Parliament for making, repairing or maintaining any toll-road, shall, after demand thereof made, neglect or refuse to pay the same or any part or parts thereof, it shall be lawful for the person or persons authorized or appointed to collect such tolls, by himself or themselves, or taking such assistance as he or they shall think necessary, to seize or distrain any horse, beast, cattle, carriage or other thing upon or in respect of which any such toll is imposed, together with their respective bridles, saddles, gears, harness or accoutrements (except the bridle or reins of any horse or other beast separate from the horse or beast) or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods and chattels of the person or persons so required to pay, and if the toll or any part thereof so neglected or refused to be paid, and the reasonable charges of such seizure and distress shall not be paid within the space or four days next after such seizure and distress made, the person or persons so seizing and distraining, after giving four days' public notice thereof, may sell the horse, beast, cattle, carriage and things so seized and distrained, or a sufficient part thereof, returning the overplus of the money to arise by such sale (if any) and what shall remain un-sold, upon demand, to the owner thereof after such tolls and the reasonable charges occasioned by such seizure, distress and sale, shall be deducted.

Penalty on persons using a Road, and turning off the same in order to avoid payment of Toll.

XLIII. And be it enacted, That if any person or persons shall, after proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turn out of such road into any other road or field or piece of land, for the purpose of avoiding the payment of toll, and shall enter upon the said road beyond any of the said gates or check-gates by crossing the road or otherwise without paying toll, whereby such payment of toll shall be evaded, such person or persons, or the owner or owners of such vehicle, animal or animals, shall for every

every such offence forfeit and pay the sum of Ten Shillings and costs: and any one Justice of the Peace for the County in which such part of the road is situated, shall, on conviction of such offender, fine such offender in the said penalty and costs, and shall cause the same to be levied as aforesaid.

XLIV. And be it enacted, That if any person or persons shall permit or suffer any person or persons to pass through any lands occupied by him or them, or through any gate, passage or way thereon, with any carriage, sleigh, horse, mare, gelding or any other animal liable to the payment of toll, who shall, before or after passing through such lands, travel more than one hundred yards upon such road, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving, or the owner of the animal or animals or carriage whereon such payment is avoided, being thereof convicted before any one Justice as aforesaid, shall for every such offence severally incur a penalty not exceeding Twenty Shillings and not less than Five Shillings, to be levied as aforesaid, with costs.

Penalty on persons allowing others to pass through their lands to avoid payment of Toll.

XLV. And be it enacted, That if any person shall leave upon any such road any horse, cattle, beast or carriage whatsoever, by reason whereof the payment of any tolls or duties shall be avoided or lessened; or shall take or cause to be taken off any horse or other beast or cattle from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, shall afterwards add or put any horse or other beast to any such carriage and draw therewith upon any part of any such road, so as to increase the number of horses or other beasts drawing the said vehicle after the same shall have passed through any toll-gate, whereby the payment of all or any of the tolls shall or may be evaded, every such person shall, for every such offence, forfeit and pay a sum not exceeding Twenty Shillings, to be levied as aforesaid, with costs.

Penalty on persons leaving horses, &c., on the road, so as to avoid payment of Toll.

XLVI. And be it enacted, That any person falsely representing him or herself to any toll-gatherer or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evading the payment of toll by any false representation or other fraudulent act, shall forfeit to the Company or Municipality owning such road, the sum of One Pound and costs, to be recovered summarily before any Justice of the Peace in the manner provided by this Act for the recovery of other penalties.

Penalty on persons falsely claiming exemption from Toll.

XLVII. And be it enacted, That if any person shall wilfully and maliciously burn, break down, injure, cut, remove or destroy in whole, or in part, any toll-house, turnpike-gate, wall, lock, chain, or other fastening, rail, post, bar or other fence, belonging to any toll-gate or toll-house, set up, erected or used for the purpose of preventing the passing by such gate of persons,

Penalty on persons injuring Roads or other works of any Company.

persons, carriages or other property liable to the payment of toll, at such gate, or any house, building, engine or weighing machine erected or used for the better ascertainment or security of any such toll, every such offender shall be guilty of a misdemeanor, and on conviction thereof, shall be punished either by imprisonment in the Provincial Penitentiary, for a term not exceeding three years, or by fine and imprisonment in the Common Gaol for any term not exceeding two years, at the discretion of the Court before whom the offender shall be convicted.

Penalty on persons obstructing a Road by leaving materials, &c., thereon ;

Or hauling timber, &c., so as to injure the Road : or leaving any carriages, &c. on the Road ;

Or injuring lamp posts, &c ;

Or filling up or impeding ditches, &c ;

XLVIII. And be it enacted, That 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 and repair thereof, or shall drive any loaded wheel carriage or other loaded vehicle, upon that part of any of the roads constructed under the authority of this Act, or by any other incorporated Company under the authority of any other Act of the Legislature of this Province, between the stones, plank or hard road and the ditch further than may be necessary in passing any other vehicle, or in turning off or upon such road, or shall cause any injury or damage to be done to the bridges, culverts, posts, rails or fences, or shall haul or draw, or cause to be hauled and drawn upon any part of any road constructed as aforesaid, any timber, stone or other thing which shall be carried principally or in part, upon wheeled carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof ; or if any person shall leave any waggon, cart or other carriage whatsoever upon such road without some proper person in the 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 time than may be necessary to remove the same, (or shall lay any timber, stones, rubbish or other thing whatever upon the said road to the prejudice, interruption and danger of any person travelling thereon,) or if any person shall after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to remain on such road any stone or other thing with which such cart or carriage shall have been blocked 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 side of such road or any toll-house 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 or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected by any Company upon any road or bridge constructed by them, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post or mile post or stone ; or if any person shall throw any earth, rubbish or any other matter or thing into any drain, ditch, culvert or other water course made for draining any such road ; or if any person shall without permission carry away any stones, gravel, sand

sand or other materials, dirt or soil from any part of any such road, or dig any holes or ditches on the allowance for the same; or if any person or persons shall allow any swine to run at large to the injury of the said road, every 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 such Company, to be ascertained by the said Justice on hearing of the said complaint; and also to pay a fine of not more than Fifty Shillings nor less than Five Shillings, together with all costs; such damages, fines and costs to be paid within a time to be limited by the said Justice, and in default thereof the same shall be levied as hereinafter provided.

Or allowing swine to run at large, &c. Damages and penalty to be recoverable from such person.

XLIX. Provided always, and be it enacted, That it shall not be lawful for any Company or Municipality, or for any Contractor, Sub-Contractor, or person employed by such Company or Municipality, Contractor or Sub-Contractor, to leave or place upon the graded part of any road constructed or acquired by such Company or Municipality under the authority of this Act or any previous Act, whether such part of the Road be or be not macadamized, gravelled or planked, any stone, gravel, plank, timber, or other materials whatsoever, so as to prevent the public from using or to impede the free use of the whole of such graded portion of the road; and for any offence against this Section, such Company, Municipality, Contractor, Sub-Contractor, or other person as aforesaid, shall be responsible for all damages arising from such offence; and such Contractor, Sub-Contractor, or other person as aforesaid, shall also incur a penalty of not less than Five Shillings, nor more than Five Pounds, to be recovered summarily before any Justice of the Peace in the manner provided by this Act for the recovery of other penalties; and in the case of roads owned by Companies, that the penalty shall be paid to the Municipality within which such road is situate; and in the case of roads owned by Municipalities, one half of such fine shall be paid to the complainant, and the residue to the Receiver-General of this Province, for the public uses thereof.

Company and their servants not to impede the free use of the whole graded portion of the road.

Penalties.

Application of penalties.

L. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, shall and may be recovered upon information and complaint before any Justice of the Peace of the County within which the same shall have been incurred, and 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 County for any period not exceeding one month; Provided that neither this Section nor any thing therein shall be held or construed

Recovery of fines and forfeitures under this Act.

Proviso.

to interfere with the provisions made in the forty-first Section of this Act, (upon conviction for any offence therein mentioned,) for issuing a Warrant of Commitment in the first instance.

Party not appearing on Summons may be arrested, or the case may be heard *ex parte*.

LI. And be it enacted, That in any proceeding or prosecution, before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the Summons, and if he shall not appear accordingly, then upon proof of the due service of the Summons upon such party either personally or by leaving a copy thereof at his usual place of abode, the Justice may proceed either to hear and determine the case *ex parte* or issue his Warrant for apprehending and bringing such party before himself or some other Justice of the Peace, or the Justice may, if he think fit, without previous Summons, issue such Warrant, and the Justice before whom such party shall appear or be brought, shall proceed to hear and determine the case.

Application of fines, &c, when not otherwise provided.

LII. And be it enacted, That all fines and forfeitures collected under the authority of this Act, except where it is otherwise provided by this Act, shall be paid to the Treasurer of the Company or Companies or Municipalities owning the respective roads, or other work in respect of which such fines and forfeitures shall be imposed, for the use of such Companies or Municipalities respectively.

Suits to be brought within six calendar months.

LIII. And be it enacted, That 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, 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.

Officers and stockholders may be witnesses.

LIV. And be it enacted, That in any action or suit brought by or against any such Company, upon any contract or for any matter or thing whatsoever, any Stockholder, or any officer or servant of the Company, 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.

Companies formed *bonâ fide* under former Acts confirmed, notwithstanding any informality in their formation, &c.

LV. And be it enacted, That notwithstanding any irregularity which may have occurred in the formation, registration or management of any Joint Stock Company for the construction or purchase of any road or other work under the provisions of the Acts hereby repealed, and notwithstanding all the requirements of the said Acts or either of them may not have been strictly complied with, all such Companies which shall *bonâ fide* have proceeded in the construction or purchase of any road or other work, shall be held to be duly organized, formed, registered, constituted and managed under the said Acts, any thing in either of the said Acts to the contrary notwithstanding ;
Provided

Provided that nothing in this clause contained shall be construed to confirm the establishment or management of any such Company, when any irregularity has occurred in the formation, registration or management of the same, unless such Company shall have *bonâ fide* proceeded with the construction of or shall have purchased such road or work before the passing of this Act; And provided also, that nothing in this Act contained shall affect the rights of any party in any proceeding, action or suit in any Court of Law or Equity in this Province which may be pending at the time of the passing of this Act.

Proviso: Company must have proceeded with their work.

Proviso: as to pending cases.

LVI. And be it enacted, That it shall be the duty of the Directors of every Company incorporated or to be incorporated under this Act, or by any previous Act of the Legislature, to report annually, at some time during the month of January in each year, to the Municipal Council of the County having jurisdiction within the locality through or along the boundary of which such road shall pass, or wherein such other work may be constructed, the cost of their work, the amount of all money expended, the amount of their Capital Stock, and how much paid in; the whole amount of tolls expended on such work, the amount received during the year from tolls and all other sources, stating each separately, the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by such Company, specifying the object for which such debts respectively were incurred; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open to the inspection of any person or persons who may for that purpose be appointed by the Municipality having jurisdiction as aforesaid; and every such Inspector shall have the right of taking copies or extracts from the same, and requiring and receiving from the Keeper or Keepers of such books, and also from the President and each of the Directors of such Company, and all the other officers and servants thereof, all such information as to such books, and the affairs of such Company generally, as such Inspector or Inspectors may deem necessary for the full and satisfactory investigation into and report upon the state of the affairs of such Company.

Directors to report annually to the proper Municipality.

Company to keep regular books open to inspection by the Municipality, and afford the officers of the Municipality all information required.

LVII. And be it enacted, That after twenty-one years from the time of completing any such road or other work as aforesaid, it shall and may be lawful for any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, to purchase the stock of such Company at the current value thereof at the time of purchase, (to be ascertained by Arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Municipality cannot agree upon such value,) and to hold the same for the use and benefit of the said locality; and such Municipal authority

After 21 years from the completion of the work, the proper Municipality may purchase the Stock of the Company at its current value.

authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

Legislature may amend this Act.

LVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alterations in any of its provisions, as they may think proper for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate, property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to the same.

Provisions of certain sects. of this Act to extend to all Turnpike Roads in U. C. whether constructed under—

LIX. And be it enacted, That the provisions contained in the third, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, fourteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh Sections of this Act shall extend to and regulate all Turnpike Road Companies in Upper Canada in the collection of Tolls or otherwise, whether constructed under the authority of any of the Acts mentioned in the preamble hereof or under authority of an Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to extend the Acts for the formation of Companies for constructing Roads and other Works to Companies formed for the purpose of acquiring Public Works of like nature*, or under the authority of an Act passed by the Parliament of this Province, in the Session thereof, held in the twelfth year of Her Majesty's Reign, chapter five, and intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, or constructed by or belonging to the Municipality of any County, Town or Village in Upper Canada, authorized to construct or acquire road under any Act of the Parliament of this Province, in the same manner and as fully as if the said several and respective Sections had been inserted in and were part of any of the said several Acts, respectively, incorporating Road Companies in Upper Canada, or in any of the Acts heretofore passed, authorizing the Municipalities of Counties, Cities, Towns or Villages, to construct or acquire roads; Provided, however, that lower rates of toll upon any road hereafter transferred to any Company by the Acts specially cited in this Section, may be fixed or established in the order of the Governor in Council, transferring the same to any such Company: Provided also, and be it further enacted, That the provisions contained in

13 & 14 V. c. 72, or—

12 V. c. 5, or the Act cited in the preamble to this Act, or by any Municipality.

Proviso.

Proviso: certain sects. to

the

the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-eighth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-seventh and fifty-eighth Sections of this Act, together with this proviso, shall also extend to Road Companies having private Acts of Incorporation, but that no other Sections of this Act shall apply to such Companies.

extend to Companies having private Acts of incorporation.

LX. And be it enacted, That it shall be the duty of every Company incorporated under this Act or any of the Acts hereby repealed, wherever it may be necessary, to sow with grass seed all cleared land or ground belonging to such Company and adjoining their road or roads, and to cause the same, so far as may be, to be covered with grass or turf, if not already so covered, and to cause all thistles and other weeds growing on such land or ground, to be cut down and kept constantly cut down, or to be rooted out of the same; and if any such Company shall fail so to do, such Company shall thereby incur a penalty of Ten Shillings for each day on which they shall fail to comply with any of the requirements of this section, within eight days after having been required to comply with the same by a notice to be served on such Company on the part of the Reeve of the Municipality of the Township within which such land or ground shall lie, and it shall also be lawful for the said Reeve, after the expiration of the said Eight Days, and if the Company shall not then have complied with such notice, to cause all such things to be done as the said Company shall have been by the said notice lawfully required to do, and the said Municipality may recover to and for the use and purposes of such Municipality, the expense of so doing, together with the said penalty, and all costs and charges, from the said Company, by action of debt in any Court having jurisdiction in civil cases to the amount sought to be recovered.

Road Companies to lay down in grass all cleared lands belonging to them and adjoining their Roads: Penalty for default.

LXI. And be it enacted, That all Acts and portions of Acts repugnant to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Inconsistent Acts, &c. repealed.

LXII. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A.

Be it remembered, that on this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ we, the undersigned Stockholders, met at _____ in the _____ County of _____ in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*)

Company) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act, &c., insert the title of this Act*) for the purpose of constructing a road from *(the commencement of the intended road)* to *(the termination thereof)* *(describing the line of intended road, or other such work as aforesaid)* and we do hereby declare that the Capital Stock of the said Company shall be _____ Pounds, to be divided into _____ shares, at the price or sum of Five Pounds each; and we, the undersigned Stockholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate *(the names to be here inserted)* to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

B.

Be it remembered that on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____ the Stockholders of the "Township of _____ Road Company," *(as the case may be)* and the Stockholders of the "Town or Municipality of _____ Road Company," *(as the case may be)* met at _____, in the County of _____, and then and there by a majority of the Stockholders holding or representing at least two thirds of the Capital Stock of each of the said Companies respectively, resolved to unite the said Companies into one Consolidated Incorporated Company, to be called the _____ Consolidated Road Company, according to the provisions of the nineteenth Section of a certain Act of Parliament

Parliament of this Province, intituled, *An Act, (here insert title of this Act,)* upon the terms following, that is to say:

(*here set out the terms upon which the Companies agree to unite.*) And we do hereby declare that the Capital Stock of the said united Company is (as the case may be) divided into _____ shares of Five Pounds each.

In testimony whereof we have hereunto set our Hands, and affixed the Seals of the said respective Companies, this day of _____ one thousand eight hundred and _____,

A. B. President, &c. [L. s.]
C. D. President, &c. [L. s.]

C A P . C X C I .

An Act to authorize the formation of Joint Stock Companies to construct works necessary to facilitate the transmission of Timber down the Rivers and Streams in Upper Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to encourage the formation of Preamble.
Joint Stock Companies to improve the Navigation of Rivers and Streams in Upper Canada, so as to facilitate the transmission of Timber: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That any number of persons not less than five respectively, may, in their discretion, form themselves into a Company or Companies under the Provisions of this Act, for the purpose of acquiring or constructing and maintaining any dam or dams, slide or slides, pier or piers, boom or booms, or other work or works necessary to facilitate the transmission of timber down any river or stream in Upper Canada, and for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or otherwise of improving the navigation of such streams for the said purpose; Provided always, that no such Company shall construct any such works over or upon or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner or owners, occupier or occupiers thereof, or of the Crown, except as hereinafter provided; Provided also, that no such Company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other Company shall have been formed either under this Any five or more persons may form a Company for the purposes of this Act.
Proviso:
As to private property, &c.
Proviso: not to interfere with other Companies, Government works, &c.
Act

Act or any other Act of the Legislature, or upon which there is now or may hereafter be constructed any Provincial work, without the consent of such other Company or of the Governor in Council respectively, which consent shall be formally expressed in writing, and shall be registered together with the Instrument by which any such Company is incorporated as hereinafter provided.

Requisite amount to be subscribed: Instrument to be executed.

Six per cent. of capital to be paid up and received by Treasurer.

Registration of Instrument and Receipt how made.

Proviso as to recovery of the said six per cent. paid for any Stockholder, by another party.

Company to cause a Report containing certain particulars to be laid before the Chief Commissioner of Public Works.

II. And be it enacted, That whenever any five or more persons who shall have formed themselves into a Company under this Act shall have subscribed a sufficient quantity of stock to amount to a sum adequate in their judgment to the construction of the intended work, they shall execute an Instrument in duplicate according to the form in the Schedule to this Act contained; and the said Company or any one of their number, or the Directors named in the said Instrument, shall pay to the Treasurer of such Company six per cent. upon the amount of the Capital Stock of the Company mentioned in the said Instrument, and shall register such Instrument, together with a Receipt from the Treasurer of such Company for such payment or instalment of six per cent. which registration shall be made by leaving one of such Originals and such Receipt with the Register of any one County in which the intended works shall be wholly or partly situated, or intended to be made, who shall copy the said Instrument and Receipt into a Book to be provided by each Register for that purpose, and afterwards retain and file the said Original Documents in his office, and for such registration the Register shall be entitled to charge the same fees as for the registration of the Memorial of a Deed: Provided always, that in all cases where each Individual Stockholder does not pay six per cent. on the share or shares held by him, but any other party shall pay the same on his behalf, the party so paying on his behalf shall be entitled to recover the amount as a debt, in any competent Court, and the Stockholders so sued shall not be entitled to object to the action or suit on the ground of not having authorized the Plaintiff in the action to pay the money on his behalf.

III. And be it enacted, That before any Company formed under this Act shall commence any of the works contemplated to be undertaken, such Company shall cause a Report to be laid before the Chief Commissioner of Public Works, and another copy of such Report before the Municipal Council of the County in which such proposed works are situate; or if the works are situate in more than one County, then before the Municipal Councils of the Counties, in or on the boundaries of which such proposed works are situated; or if such proposed works are in unsurveyed lands not contained within the bounds of any County, then before the Chief Commissioner of Public Works alone; which Report shall contain a copy of the Instrument by which such Company is incorporated, a detailed description of the works to be undertaken, and an estimate of their cost, an estimate

estimate from the best available sources, of the quantity of different kinds of timber which is expected to come down the river yearly after the works are completed, and a Schedule of the tolls proposed to be collected; And such Company shall not commence any such works until the approval of the said Chief Commissioner of Public Works shall have been signified in writing, which said approval shall be registered in addition to the other Documents required to be registered by the second Section of this Act, nor until a By-law approving of the construction of the works has been passed by the Municipal Council of the County, or by each of the Municipal Councils of the Counties in or on the boundary of which the projected works are situated.

Company not to commence works until such Report is approved, &c.

IV. And be it enacted, That when the requirements contained in the preceding Sections of this Act shall have been complied with, such Company shall henceforth become and be a Chartered and Incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid; and by such name they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matter and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change, at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with any lands, tenements and hereditaments whatsoever, which may be useful and necessary for the purposes of such Corporation; and every such work as aforesaid, and all the materials which shall from time to time to be provided for constructing, building, maintaining or repairing the same, shall be vested in such Company and their successors.

General corporate powers of the Company.

Common Seal.

Holding lands.

Works vested in Company.

V. And be it enacted, That every Company incorporated under this Act shall have power to make By-laws, and from time to time to alter and amend the same, for the purpose of regulating the safe and orderly transmission of timber over or through the works of the said Company, and the navigation therewith connected; and copies of such By-laws shall be annexed to the reports required to be made by such Company by the third section of this Act, and copies of all new By-laws or of all amended By-laws shall be annexed to the annual reports required by the twenty-second section of this Act; and no such By-law or amended By-law shall have any force until one month after it shall have been included in such report, but, if at the end of one month such By-law shall not have been disallowed by the Chief Commissioner of Public Works, as the case may be, it shall have full force and be binding upon

Company to make By-laws for regulating the use of their works, and to report the same to Commissioner of Public Works.

Commissioner may disallow such By-law.

the said Company and upon all persons using the said works :
 Proviso. Provided always, that no such By-law shall impose any penalties or shall contain anything contrary to the true meaning and intention of this Act.

Affairs of the Company to be managed by five Directors.

VI. And be it enacted, That the affairs, stock, property and concerns of every Company which shall or may be formed under the provisions of this Act, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose ; which By-law shall regulate the manner of voting, the place and hour of meeting for the election of Directors, and of Candidates for the direction, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act ; which By-law shall be published in the newspaper, or one of the newspapers, nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks ; and the said Directors shall have full power to alter, change or amend such By-law, whenever they shall see proper, they being always bound to publish such amended By-law in the manner above provided, and any majority of such Directors shall be a *quorum* for the transaction of business : Provided, however, that if the annual Election of Directors for any such Company, shall for any cause not take place at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall in that case continue to serve until another Election of Directors shall be held, and such other Election shall in such case be held at such time within one month thereafter, as shall be provided for by any By-law to be passed by the Directors of such Company for that purpose : And provided further that at any Election of Directors, each Stockholder shall be entitled to one vote for every share he may hold in any such Company, and upon which such Stockholder shall not be in arrear on any call in respect thereof ; and that any person being a Stockholder and not in arrear as aforesaid, shall be eligible as a Director.

Provisions of By-law touching Election of Directors.

Notice of By-law to be published.

Power to amend.

Quorum.
 Proviso as to failure to elect Directors at any time.

Proviso: one vote for each share.

Case of any Company wishing to extend their works provided for.

Issuing Debentures, &c.

VII. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to alter, improve or extend the said work, or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed, or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to issue debentures, for sums not less in amount than Twenty-five Pounds each, signed by the President and countersigned by the Treasurer of the said Company, not exceeding in amount

amount in whole one fourth of their paid-up Capital, or to borrow upon security of the said Company, by bond or mortgage of the works and tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their Resolution, a copy whereof, under the hand of the President and seal of the Company, shall be engrossed at the head of the Subscription List to be opened for Subscribers, to the additional number of shares thereby authorized to be subscribed; and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President shall deliver such new list of Subscribers to the Registrar having the custody of the Original Instrument, who shall attach such new list of Subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said Instrument; and all the Subscribers thereto, and those who may thereafter enter their names as Subscribers thereon, with the consent of such Directors, to be signified by a resolution of the Board under the hand of the President and seal of the Company, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages, to which the original Subscribers shall thenceforth be entitled, and as well with respect to the first works undertaken as to any extension or alteration thereof as aforesaid, and which the said Companies are hereby authorized to make and construct, and which shall thenceforth be considered as part and parcel of the original undertaking; and such additional shares and stock shall and may be called in, demanded and recovered, in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original shares or stock of any such Company.

Amount limited, &c.

New Stock.

Registry of new subscribers.

Rights and liabilities of new subscribers.

Calls on new Stock.

VIII. And be it enacted, That each share in every such Company shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Shares to be five pounds each, and how transferable.

IX. And be it enacted, That any such Company so to be incorporated as aforesaid, may in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of stock which such Stockholder may neglect to pay, after public notice thereof for two weeks in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company; and the oath of the said Treasurer shall be deemed sufficient proof of said notice, a copy whereof shall be filed in the office of the Clerk of the Court where such trial shall take place.

Companies may sue for amount of unpaid calls.

Notice.

Proof of notice.

Directors may make calls on Stock: not exceeding ten per cent.

Notice.

Proviso.

Forfeiture of Shares on which calls are not paid within a certain time.

X. And be it enacted, That it shall and may be lawful for the Directors of any such Company, to call in and demand from the Stockholders of the said Company respectively, all such sum or sums of money by them subscribed, at such time and in such payments or instalments not exceeding ten per cent. at any one time, as the said Directors shall deem proper, upon notice requiring such payment, published for four successive weeks in the newspaper or one of the newspapers nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company: Provided always, that any person being a Shareholder, neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof, shall forfeit their respective shares in the Company, which forfeiture shall go to the Company for the benefit thereof; but no advantage shall be taken of the forfeiture, unless the stock shall be declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture shall be incurred; and any such forfeiture shall be an indemnification to or for any Shareholder so forfeiting, against all actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on such undertaking.

What it shall be necessary to aver in actions brought by Companies to recover arrears.

XI. And be it enacted, That in any action or suit to be brought by any such Company, against any Stockholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company, by virtue of this Act.

What it shall be necessary to prove in such actions.

XII. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

XIII. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion, to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his hands to the use of such Company.

Election of President and appointment of Officers.

XIV. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any such Company during the current year of their appointment, by death or resignation, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless it be otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

Vacancies occurring among Directors, how to be filled up.

XV. And be it enacted, That if the owner or owners, occupier or occupiers of any land, over, through or upon which any such Company as aforesaid may be desirous of constructing any such work, or which would be flooded or otherwise interfered with, or upon which any power given by this Act to the Company is intended to be exercised, shall, upon demand made by the Directors of any such Company, neglect or refuse to agree upon the price or amount of damages to be paid for, or for passing through or using such land, or for flooding or otherwise interfering with the same, and for appropriating the same to and for the uses of any such Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one Arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another Arbitrator, and for the said two Arbitrators, to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid, and the decision of any two of the said Arbitrators shall be final, and upon such sum being ascertained, due attention being had by the Arbitrators in ascertaining the same, to the benefits to accrue to the party demanding compensation, by the construction of the intended works, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance of such land to the Company, or such other document as may be requisite, and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid in such and the like manner as if such

Arbitrators to be appointed in case of owners of property on which the works may be situate, &c., disagreeing with the Company as to compensation.

Appointment of Arbitrators.

Mode of computing damages, &c.

Tender of payment: Its effect.

conveyance

Proviso if the party shall neglect to name an Arbitrator, or the Arbitrators cannot agree on a third.

conveyance thereof or other document had been executed as aforesaid : Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of twenty days, after having been notified so to do by the Company, or if the said two Arbitrators do not within the space of twenty days after the appointment of such second Arbitrator agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect, within the space of ten days after their appointment, to take upon him the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies, to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid ; and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same.

Award may be made by any two.

How Arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

XVI. And be it enacted, That whenever any lands required by any such Company for the purpose of any such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, body politic, corporate or collegiate, whose residence may not be within this Province or may be unknown to the said Company, or where the title to any such lands may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands are unknown, or unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate and appoint one indifferent person and for the Judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named, before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or damages, as aforesaid, and the decision of a majority of such Arbitrators shall be binding, which said amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, when demanded ; and a record of such award or arbitration shall be made up and

Award to be paid forthwith.

signed

signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by the said Arbitrators, or a majority of them; which record shall be deposited in the Registry Office of the County in or along which such lands are situate, and such Company shall thereupon be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to proceed with the construction of the works affecting the same, and the expenses of any Arbitration under this Act shall be paid by the said Company, and by them deducted from the amount of such award on payment thereof to the parties entitled to receive the same, if the Company shall, before the appointment of their Arbitrator, have tendered an equal or greater sum than that awarded by the Arbitrators, otherwise such expenses shall be borne by the Company: and the Arbitrators shall specify in their award, by which of the parties the said costs are to be paid: And provided also, that all lands which shall be taken by any such Company, for the purpose of any such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

Award to be registered.

By whom the costs shall be paid.

Lands taken to be free of incumbrances.

XVII. And be it enacted, That if any such work shall be constructed upon or otherwise interfere with any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them shall be taken, or any act occasioning damage to their properties or their possessions shall be done, under authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals, and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within the Province is hereby authorized and required to name an Arbitrator on behalf of the said Indians; and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said Chief Officer, for the use of such tribe or body.

Case of lands belonging to Indians provided for.

XVIII. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said Arbitrators or a majority of them shall within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount so in dispute as aforesaid.

Meeting and proceedings of the Arbitrators.

Provision if there be works commenced by any Company other than one formed under this Act.

Proviso : Mill sites not to be injured.

XIX. And be it enacted, That if there shall be already established by any party other than a Company formed under this Act, any slide, pier, boom, or other work, intended to facilitate the passage of timber down any water, for the improvement of which a Company shall be formed under this Act, it shall be lawful for such Company to take possession of such works, and the owners thereof (or if they have been constructed on the property of the Crown,) the persons at whose cost they were constructed shall be entitled to become Stockholders in the said Company for an amount equal to the value of such works, as ascertained by Arbitrators appointed in the manner hereinbefore provided : Provided always, that nothing herein contained shall be construed to authorize any Company formed under this Act to take possession of, or in any wise injure any mill site, upon which there shall be then existing any mills or machinery, or any hydraulic works other than those intended to facilitate the passage of timber ; and it shall not be lawful for any Company formed under this Act to commence any work, which shall interfere with or endanger any such occupied mill site, without the assent in writing of the proprietor thereof previously obtained, or an award of Arbitrators appointed as herein provided, to the effect that the proposed works will not injure such mill site, which assent or award is hereby required to be registered in the same manner as the Instrument of Incorporation of such Company.

Act 13 & 14 V. c. 75, extended to works under this Act.

XX. And be it enacted, That the provisions of the Act thirteenth and fourteenth Victoria chapter seventy-five intituled, *An Act for the protection of Mill Owners in Upper Canada*, respecting subsequent purchasers of land of the Crown overflowed by mill dams, shall be extended to similar land overflowed by any of the works to be constructed by any Company formed under this Act.

Company not to improve waters already navigable.

Case of the erection of any Dam by the Company provided for.

XXI. And be it enacted, That nothing herein contained shall extend to authorize any Company formed under this Act to obstruct any waters already navigable, or to collect any tolls other than those upon timber ; and if by reason of any dam erected by a Company formed under this Act, any fall or water power shall be created, such Company shall in no wise have any title or claim to the use of such water power ; nevertheless, if the owner or occupier of the land adjoining shall have made any claim for compensation for damages arising from such dam, the Arbitrators may lawfully take into account the increased value of his property by reason of the water power so created.

Directors to report annually to the proper Municipality : a full statement of their

XXII. And be it enacted, That it shall be the duty of the Directors of every Company incorporated under this Act, to report annually at some time during the month of January in each year, to the Chief Commissioner of Public Works, which Report shall be under the oath of the Treasurer of such Company, and shall specify the cost of the work,—the amount of all

money

money expended,—the amount of the Capital Stock, and how much paid in ; the whole amount of tolls expended on such work,—the amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber,—the amount of dividends paid and the amount expended for repairs, and the amount of debts due by such Company, specifying the objects for which such debts respectively were incurred ; and every such Company shall keep regular books of accounts, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open to the inspection and examination of any Stockholder or any person or persons who may for that purpose be appointed by the Chief Commissioner of Public Works, and every such Inspector shall have the right of taking copies or extracts from the same, and requiring and receiving from the keeper or keepers of such books, and also from the President and each of the Directors of such Company, and all the other officers and servants thereof, all such information as to such books, and the affairs of such Company generally, as such Inspector or Inspectors may deem necessary for the full and satisfactory investigation into and report upon the state of the affairs of such Company, so as to enable such Inspector or Inspectors to ascertain whether the tolls levied upon such work are greater than this Act allows to be levied.

receipts and expenditure, Tolls, &c.

Company to keep regular books open to inspection by the Municipality, &c.

Information to be afforded by the Company.

XXIII. And be it enacted, That the tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the work, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with the provisions of the twenty-second section of this Act ; and the tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and collecting the tolls, the balance of the receipts shall as nearly as may be equal and in no case exceed Ten Pounds for every hundred expended and invested in the said works ; and if in any year the receipts from tolls shall be such, that, after defraying all the current expenses, there shall remain a clear profit of more than Ten Pounds upon every hundred of the capital expended, there shall nevertheless be divided amongst the Shareholders no greater dividend than after the rate of Ten Pounds for every hundred, and the remainder shall be carried over to the receipts of the following year.

Amount of Tolls how to be calculated and limited.

Provision in case of a surplus in any one year.

XXIV. And be it enacted, That the tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz :

Proportion of Tolls on different kinds of Timber.

Red and White Pine.....	per piece.....	1d.
Oak, Elm and other hard wood	“	1½
Spars.....	“	3
Masts.....	“	5
Saw Logs.....	“	½
Sawed Lumber per M. board measure.....		1
Staves per M.....		15
Firewood, shingle bolts, and other timber per cord,		2

Annual account of Company to contain a Schedule of Tolls for the following year: how such Schedule may be altered and amended.

XXV. And be it enacted, That the annual account required to be rendered by every Company formed under this Act, shall contain a Schedule of the tolls, calculated as aforesaid, which it is proposed to collect in the following year, and if it shall not have been notified to the President of such Company on or before the fifteenth day of March in each year, that the Schedule of tolls has been disallowed by an order of the Chief Commissioner of Public Works, the President of such Company shall cause the said Schedule of tolls to be published for the space of one month in some newspaper published within the County or Counties in which, or nearest to which such works are situate, and such tolls so published shall be the lawful tolls for that year; but if it shall appear to the Chief Commissioner of Public Works, that the proposed Schedule of tolls has not been calculated according to the true intent and meaning of this Act, it shall be lawful for such Chief Commissioner, by an Instrument under his hand, to alter or vary the said Schedule of tolls, so as to make them correspond with the true meaning of this Act; and such amended Schedule of tolls shall be notified to the President of such Company, and shall by him be published as aforesaid, and shall be the lawful tolls for that year.

Amended Schedule to be in force for the next year.

Company may recover the lawful tolls on any Timber, from the owner.

XXVI. And be it enacted, That every such Company shall have authority to demand from the owner of any timber intended to be passed through any portion of the works of such Company, or from the person in charge of the same, a written statement of the quantity of each kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass, and if no such written statement is given when required or a false statement is given, the whole of such timber or such part of it as was omitted by a false statement, shall be liable to double toll; and every such Company shall have authority to demand and receive the lawful toll upon all timber which shall have come through or over any of the works of such Company; and it shall be lawful for such Company, by its servants, to have free access to all such timber for the purpose of measuring or counting the same; and if the just tolls shall not be paid on demand, such Company shall have power to sue for the same in any Court of competent jurisdiction, and shall recover from the owner or owners of the timber the amount of the tolls and the costs of suit; Provided always, that if the owner or owners of the timber shall object to the amount of tolls demanded, and shall tender a sum which he

Proviso.

he or they claim to be the true and just amount of the toll, such Company shall pay the costs of the suit, unless the judgment obtained shall be for a greater amount than the sum so tendered ; Provided also, that if any timber shall not have come through or over the whole of the works of any such Company, but only through or over a part thereof, the owner or owners of such timber shall only be liable to pay tolls for such sections of the whole works as he or they shall have made use of, if in the Schedule of tolls the work is divided into sections, and if not, then to pay such a portion of the whole toll as the distance such timber has come through the works, bears to the whole distance, over which such works extend.

Proviso.

XXVII. And be it enacted, That if the true owner of any timber which shall have passed through any of the works of such Company cannot be ascertained, or if there shall be reasonable grounds of apprehension that the tolls thereon have not been paid by the owner or reputed owner or person in charge, it shall be lawful for any Mayor, Reeve or Justice of the Peace, having jurisdiction within the locality, through or adjoining which such navigation extends, or where the timber may be found, if within twenty miles of any such works ; and he is hereby required, upon the oath of any Director or servant of the Company that the just tolls have not been paid, to issue a Warrant for the seizure of such timber, or so much thereof as shall be sufficient to satisfy the tolls, which Warrant shall be directed to any Constable or any person sworn in as a Special Constable for that purpose, at the discretion of the Magistrate, and shall authorize the person to whom it is directed, if the tolls shall not be paid within fourteen days from the date thereof, to sell the said timber, and out of the proceeds to pay to the said Company the just tolls, together with the costs of the Warrant and sale, rendering the surplus on demand to the owner.

Mode of enforcing payment of Tolls in certain cases.

Warrant and seizure.

XXVIII. And be it enacted, That if any person shall wilfully and maliciously burn, break down, injure, cut, remove or destroy in whole or in part any dam, pier, slide, boom or other work of any such Company, or any chain or other fastening attached thereto, or wilfully and maliciously impede or block up any channel or passage intended for the transmission of timber, every such offender shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment in the Common Gaol for any term not exceeding one year, at the discretion of the Court before whom the offender shall be convicted.

Punishment of persons injuring the works, &c., of any Company.

XXIX. And be it enacted, That if any person shall resist or impede any of the servants of such Company, in the transmission of any timber through any such works, or in carrying out any regulations of such Company for the greater safety and regularity of such transmission, or shall resist any such servants who may require access to any raft or other timber to ascertain the

Punishment of persons impeding the use of the works, &c.

the just tolls thereon, or shall in any way molest such Company or its servants in the exercise of any rights secured to them by this Act, every such person shall, upon conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the locality in or adjoining which the offence was committed, be sentenced to pay a fine of not more than Fifty Shillings nor less than Five Shillings, together with all costs, to be paid within a time to be limited by the said Justice, and in default to be levied as next hereinafter provided.

Mode of compelling the appearance of parties against whom complaint shall be made.

XXX. And be it enacted, That in any proceedings or prosecution before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the Summons, and if he shall not appear accordingly, then upon proof of the due service of the Summons upon such party either personally or by leaving a copy thereof at his usual place of abode, or with any adult person belonging to the raft to which such party is attached, the Justice may either proceed to hear and determine the case *ex parte*, or issue his Warrant for apprehending and bringing such party before himself or some other Justice of the Peace, or the Justice may, if he think fit, without previous Summons, issue such Warrant, and the Justice before whom such parties shall appear or be brought shall proceed to hear and determine the case.

Fines how recovered and levied.

XXXI. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act shall and may be recovered upon information and complaint before any Justice of the Peace of the County within which the same shall have been incurred, and 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 or Warrants, such offender or offenders shall and may be committed to the Common Gaol of the County for any period not exceeding one month; Provided that neither this Section or any thing therein shall be held or construed to interfere with the provisions made in the twenty-eighth Section of this Act, (upon conviction for any offence therein mentioned,) for issuing a Warrant of Commitment in the first instance.

Proviso.

To whom fines shall be paid.

XXXII. And be it enacted, That all fines and forfeitures collected under the authority of this Act shall be paid to the Treasurer of the Company or Companies, owning the work in respect of which such fines and forfeitures shall be imposed for the use of such Companies respectively.

Stockholders may be witnesses.

XXXIII. And be it enacted, That in any action or suit brought by or against any such Company, upon any contract or for

for any matter or thing whatsoever, any Stockholder, or any officer or servant of the Company, 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.

XXXIV. And be it enacted, That 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, 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.

Suits to be brought within six calendar months.

XXXV. And be it enacted, That every such Company so to be incorporated as aforesaid, shall be bound and is hereby required to complete each and every work undertaken by them, and for the completion whereof they shall have become incorporated as aforesaid within two years from the day of their becoming incorporated under this Act, in default whereof they shall forfeit all the corporate and other powers and authority which they shall have in the meantime acquired, and all their corporate powers shall thenceforth cease and determine, unless further time be granted by a By-law of the County or Counties in or adjoining which said work shall be situate; and if any Company formed under this Act, shall for the space of one year abandon any works already completed by them, so that the same are not in sufficient repair and cannot be used for the purpose proposed in their Instrument of Incorporation, then their corporate powers shall cease and determine.

Works, &c., to be completed within a certain period after incorporation of Companies.
Penalty for default.

Consequence of abandonment of work by any Company.

XXXVI. And be it enacted, That after any works constructed by a Company under this Act shall have been completed and tolls established, it shall be the duty of such Company to keep the same in good and sufficient repair; and if any such works shall not have been constructed according to the description given thereof in the report required by the third Section of this Act, or shall have become insufficient or out of repair, it shall be lawful for any person interested in such navigation to serve upon any servant of the Company a notice of such insufficiency, and if within a reasonable time after the service of such notice the necessary repairs have not been completed, such Company shall be liable for the damage which any person may sustain from the continuance of such insufficiency: Provided always, that no Company formed under this Act shall be held liable for any damage, so long as their works are in accordance with the description or specification thereof in the original Instrument required to be registered, or in any description or specification subsequently approved of and registered, nor for any damage arising from the accidental destruction or injury of their works, but only for the damage which may arise from the wilful neglect of the Company after notice served upon one of its servants as hereinbefore provided.

Company must keep the works in sufficient repair.

Proviso.
Company not liable if work agree with original description.

Cases in which two Companies may unite and be formed into one.

XXXVII. And be it enacted, That it shall and may be lawful for any two Companies formed for the construction of works on any streams which may be contiguous to each other, to unite and form one Consolidated Company, on such terms as to them may seem meet; and the name of such united Companies to be then assumed, shall thenceforth be the corporate name thereof, and such united Companies shall be then entitled to and have, exercise and enjoy all the rights, and be subject to all the liabilities of other Companies formed under the provisions of this Act, and which the separate Companies had and enjoyed before the union thereof.

Legislature may make additions to this Act.

XXXVIII. And be it enacted, That notwithstanding the privileges which may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make such additions to this Act, or such alterations of any of its provisions as they may think proper for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate, property, right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way that may be affected by any of the powers given to any such Corporation; and whenever it shall be found expedient for the public service, it shall and may be lawful for the Governor in Council, to declare any Company formed under this Act dissolved, and all the works of any such Company, Provincial Works, upon payment to such Company of the then actual value of the works, to be decided by Arbitrators, one of whom shall be appointed by the Chief Commissioner of Public Works, and one by the Company, and if they shall not agree to an award, the Judge of the County Court for the County in or adjoining which the works are situate, shall be the third Arbitrator.

Government may dissolve any Company and assume the works on paying the then actual value thereof.

SCHEDULE.

Be it remembered, that on this day of in the year of our Lord one thousand eight hundred and we, the undersigned Stockholders, met at in the County of in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act, &c.*, (*insert the title of this Act*) for the purpose of constructing a slide, wharf, pier, (*or other such work as aforesaid, describing the nature, extent and situation thereof*), and we do hereby declare that the Capital Stock of the said Company shall be Pounds, to be divided into shares, at the price or sum of Five Pounds each; and we the undersigned Stockholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said

said in part recited Act, and of the Rules, Regulations, Resolutions and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

CAP. CXCII.

An Act to amend an Act of the Parliament of the late Province of Upper Canada, relating to Mutual Insurance Companies.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to amend the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of King William the Fourth, and intituled, *An Act to authorize the establishment of Mutual Insurance Companies, in the several Districts of this Province*, so as to facilitate the operations of Insurance Companies incorporated under the authority of the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in the Act first above cited or in any other Act or law, it shall be lawful for the Directors of any such Mutual Insurance Company established under the Act first above cited, from time to time to issue Debentures or Promissory Notes of the Company, bearing interest, for such sums and to such an amount as may be necessary for the purpose of paying or of raising money by loan for the purpose of paying any loss or losses sustained by such Company: Provided always, that the whole amount of such Debentures or Promissory Notes at any one time outstanding shall not exceed one fourth part of the amount then unpaid on the Deposit or Premium

Preamble.

Act of U. C.
6 W. 4, c. 18.

Directors may
issue Debentures or Promissory Notes
for Losses.

Proviso: as
to amount.

Proviso: as to time when Notes or Debentures shall be made payable, out of what Funds only they shall be paid, &c.

Premium Notes held by such Company: And provided also, that the said Debentures or Promissory Notes shall not in any instance be drawn so as to become due and payable in more than twelve months after the issuing thereof; that no such Debenture or Note shall be for a less sum than Twenty-five Pounds; that such Debentures or Notes and the interest thereon shall be paid solely out of moneys to be collected on the Deposit or Premium Notes of Members of the Company, and not by new Debentures or Notes or money raised by the issue of new Debentures or Notes; and that the Directors of the Company may always assess upon the Members thereof in proportion to the amount of their Deposit or Premium Notes respectively, such sum or sums as shall be necessary to pay any such Debentures or Notes as aforesaid then outstanding, and the interest thereon.

Act. 12 of the said Act repealed.

II. And be it enacted, That the twelfth section of the Act mentioned in the preamble to this Act, be and the same is hereby repealed.

Every person effecting Insurance, to deposit his Note for a certain sum. Part to be paid forthwith, remainder how payable, &c.

III. And be it enacted, That every person who shall become a Member of any such Company, by effecting Insurance therein shall, before he receives his Policy, deposit his Promissory Note payable to the said Company, for such a sum of money as shall be determined by the Board of Directors: a part of which said Note, to be determined by the Board of Directors, shall be immediately paid to the Treasurer for the purpose of discharging the incidental expenses of the Institution, and the remainder of the said Deposit Note shall be payable in part or the whole at any time when the Board shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of Insurance, the said Note, or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during the said term, shall be relinquished and given up to the signer thereof.

C A P. C X C I I I .

An Act to establish a Standard Weight for the different kinds of Grain and Pulse and Seeds in Upper Canada.

[Assented to 14th June, 1853.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of the late Province of Upper Canada, passed in the fifth year of the Reign

Act of U. C. 5 W. 4, c. 7, repealed.

Reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Standard Weight for the different kinds of Grain and Pulse, in this Province*, be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, the following rates shall be, and the same are hereby declared to be the Standard Weight, which in all cases shall be allowed to be equal to the Winchester Bushel, namely :

Standard Weight of different kinds of Grain, &c., established for U. C.

Wheat,.....	Sixty pounds,
Indian Corn,.....	Fifty-six pounds,
Rye,.....	Fifty-six pounds,
Peas,.....	Sixty pounds,
Barley,.....	Forty-eight pounds,
Oats,.....	Thirty-four pounds,
Beans,.....	Sixty pounds,
Clover Seed,.....	Sixty pounds,
Timothy Seed,.....	Forty-eight pounds,
Buck-Wheat,.....	Forty-eight pounds.

Provided always, That the effect of any contract made before the passing of this Act shall not be varied by any thing herein contained.

Existing contracts not affected.

III. And be it enacted, That upon any sale and delivery of any description of Grain, Pulse or Seeds mentioned in this Act, and in every contract which shall be made after the passing of this Act for the sale or delivery of any such Grain, Pulse or Seeds, the Bushel shall be taken and intended to mean the Weight of a Bushel as regulated by this Act, and not a Bushel in Measure, or according to any greater or less Weight, unless the contrary shall appear to have been agreed upon by the parties.

Effect of this Act upon future contracts.

IV. And be it enacted, That this Act shall apply only to Upper Canada.

Extent of Act.

C A P . C X C I V .

An Act to amend the Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada*, in the manner hereinafter provided : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of

Preamble.

12 V. c. 38.

Sect. 17 of the said Act repealed, and weekly sittings of S. C. abolished.

Proviso:

Court may sit out of Term for giving judgments.

Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the seventeenth section of the Act cited in the Preamble to this Act, and any other enactment in the said Act or of any other Act which requires the Superior Court or any *quorum* thereof to hold sittings out of Term in the Districts of Quebec and Montreal, on the first two juridical days in each week in every month except August, shall be and the said Section and enactments are hereby repealed; and all things which under the said section or any such enactments as aforesaid, the said Court or any *quorum* thereof is required or authorized to do at any such sitting, shall and may be done by the said Court in Term: Provided always, that the said Court or any *quorum* thereof may, in any District, and on any day or days which shall have been appointed for the purpose by the Court during the then last Term at the same place, hold a sitting or sittings out of Term, for the purpose of giving judgment in cases theretofore heard and taken *en délibéré*, whatever be the nature of the judgment or of the case in which it is given.

Sect. 16 of the said Act repealed in part, and Terms of S. C. in Quebec and Montreal to be those in Schedule A.

Proviso:

Court may prolong any Term.

II. And be it enacted, That so much of the sixteenth section of the Act cited in the Preamble to this Act, as fixes the times of holding the terms of the said Superior Court in the Districts of Quebec and Montreal respectively, at any time or times other than the time or times appointed by this Act for holding such Term or Terms, shall be and is hereby repealed; and the Terms of the said Court shall be held in the said Districts respectively at the times and places mentioned in the Schedule A to this Act, and the days from and to which any Term is in the said Schedule directed to be held, shall in all cases be included in such Term: Provided always, that the said Court shall have full power to continue any such Term, beyond the time fixed in the said Schedule for its continuance, by any order or orders to be made for that purpose during such Term.

Part of s. 77 of the said Act repealed, and Terms of Circuit Court in Quebec and Montreal to be as in Schedule B.

Power of Governor in Council to alter Terms, not to be affected.

III. And be it enacted, That so much of the seventy-seventh section of the said Act as prescribes the times at which the Circuit Court shall be holden in and for the Quebec Circuit and the Montreal Circuit respectively, shall be and is hereby repealed; and the said Circuit Court shall be holden in the said Circuits respectively at the times mentioned in the Schedule B to this Act.

IV. Provided always, and be it enacted, That nothing in the preceding sections contained shall be construed to repeal the first and second provisos of the seventy-seventh section of the said Act or any other provision thereof by which the Governor in Council is empowered from time to time to alter the times of

of holding the terms of the said Superior Court, or of the said Circuit Court, but the said provisos and provisions shall extend and apply as fully to the terms of the said Courts mentioned in this Act and the Schedules hereunto annexed, as to the terms mentioned in the said Act ; And provided also, that notwithstanding any thing contained in the said provisos and provisions, it shall be lawful for the Governor, as circumstances shall require it, by Proclamation, to increase the number of terms in any Circuit to any number not exceeding four in each year, and to fix the days for holding such additional terms and the number of days to be included in such terms.

Proviso :
Governor may increase terms in any Circuit.

V. And be it enacted, That notwithstanding any thing in the twenty-ninth section of the said Act contained, the Judges of the Superior Court sitting in Term in any District, shall have full power and authority, by a Rule of Practice promulgated in open Court, to limit the number of days on which evidence may be adduced in such District, and may fix any number of days certain for *Enquête* days, which they may deem proper, and shall have full power and authority to alter or repeal any such Rule of Practice ; Provided always, that not less than six days in the Districts of Quebec and Montreal, and not less than three days in either of the other Judicial Districts, shall be fixed by any such Rule of Practice as such *Enquête* days in any month in the year except the months of July and August.

Superior Court may limit and fix the *Enquête* days : *nonobstante* s. 29 of the said Act.

Proviso :
Enquête days not to be less than a certain number.

VI. And be it enacted, That no day in any of the Terms of the Superior Court to be holden at Montreal and Quebec as aforesaid, shall be an *Enquête* day, either for the Superior or for the Circuit Court, unless in respect of Default or *Ex parte* causes or proceedings, as hereinafter is provided, or in respect of any proceeding of a summary nature, wherein the Court, Judges or Judge having cognizance thereof, may have specially so ordered.

Days in Term to be *Enquête* days for certain matters only.

VII. And be it enacted, That every Juridical day in Term and out of Term, except from the Ninth day of July until the First day of September both exclusive, in each year, shall hereafter be an *Enquête* day for all Default or *Ex parte* causes and proceedings in the Superior Court ; and all witnesses produced for examination therein may be sworn, and their examinations taken and acknowledged, before the Prothonotary of the said Court, appointed for the District, and such examinations so taken shall serve to all intents as though taken at an *Enquête* sitting in the ordinary course.

All juridical days (except from 9th July to 1st Sept.) to be *Enquête* days in default and *Ex parte* cases.
Prothonotary may swear witnesses, &c.

VIII. And whereas in such causes and proceedings *Ex parte* it is required by law that notice of the inscription thereof for *Enquête* be given to the party foreclosed from pleading, and doubts may be entertained as to the extent of the rights of such party at the *Enquête*, Be it enacted, that such party shall not be entitled to adduce evidence thereat, but may cross-examine all witnesses brought

Recital.
Rights of foreclosed party brought

attending an *Enquête*, defined.

brought up against him, and resist the taking of any evidence in any wise illegal or inadmissible; and if such *Enquête* be proceeding, as hereinbefore is provided, before a Prothonotary only, all objections taken by either party shall by such Prothonotary be taken down in writing and kept of record in such cause or proceeding for adjudication by the Court at the final hearing thereof.

Enquête days to be fixed out of term for appealable cases in C. Court.

IX. And be it enacted, That it shall be lawful for any Circuit Judge or any Judge of the Superior Court holding a Circuit Court, to fix in term any days out of term as *Enquete* days for all appealable cases before such Circuit Court; and all witnesses produced for examination therein, may be sworn and their examination taken and acknowledged before the Clerk of the said Court, and such examinations so taken shall serve to all intents as though taken at an *Enquête* in term; but all objections taken by either party, shall by such Clerk be taken down in writing, and kept of record in such cause or proceeding for adjudication by the Court at the final hearing thereof; Provided always, that no such *Enquête* shall be proceeded with on any such day out of term, unless notice of the intended holding of such *Enquête* be given to the opposite party at least ten days previous to the day fixed for such *Enquête*.

Objections to be reserved, &c.

Proviso.
Notice.

No party bound to proceed in any cause from the 10th July to 31st August inclusive in the Superior Court.

X. And be it enacted, That for and notwithstanding any thing in the said Act or in any other Act or law, no party to any suit or case in or before the said Superior Court, sitting at Quebec or Montreal, shall be compellible to file any plea or answer, or take any step, or otherwise to proceed therein, between the tenth day of July and the last day of August both inclusive, in any year, or shall incur any forfeiture, penalty or disadvantage by refraining from so doing between the said days, unless he shall be commanded so to do by some express order of the Court or of some Judge thereof made in such suit or case (which order the Court or any Judge thereof may always make) and in the absence of such order, no day from the tenth of July to the last day of August, both inclusive, shall be reckoned in computing the delay or time allowed for filing any plea or answer, or taking any step or otherwise proceeding in any suit or case before the said Court, but for the purpose of computing such time or delay the first day of September shall be taken to be the day next following the ninth day of July, and such time or delay shall be computed by reckoning only the days before the tenth day of July and after the last day of August: Provided always, that nothing in this section shall extend to prevent or excuse any Prothonotary, Sheriff, Bailiff or other Officer from returning any Writ or doing any other thing on the day when he would otherwise be bound to return or do the same, or to prevent or excuse any party or person from obeying any process or order of the Court issued or made in or with reference to any particular suit or case, or from doing the thing which

Proviso :
Exceptions as to things expressly ordered by the Court to be done.

which he may thereby be commanded to do, at the time mentioned in such process or order.

XI. And be it enacted, That the foregoing enactments shall come into force upon, from and after the ninth day of July, one thousand eight hundred and fifty-three, and not before, but their coming into force on the said day shall, from and after the passing of this Act, be taken notice of by the said Superior Court and by all Judges and Officers thereof and all parties to or concerned in any suit, action or proceeding before the said Court, and they shall govern themselves accordingly in fixing the return days of Writs and Process which ought to be returnable in term, and the time at which any thing is to be required or allowed to be done in any such suit, action or proceeding, and in all other respects whatsoever; and any Writ or Process which is only returnable in Term, or any thing which can only be done in Term, and which shall before or after the passing of this Act have been made returnable or ordered to be done on some day which, under the foregoing enactments, will not be a day in Term, shall be returnable on the return day in Term next after the day on which it was made returnable, or shall be done on that day in Term on which such thing can be done next after that on which it shall have been ordered to be done; and any application for a judgment of ratification of a title to immoveables of which notice may have been given for some day which under the foregoing enactments will not be a day in term, shall be made or filed on the day in term next after that on which such application should have been made, had this Act not been passed.

When the foregoing provisions shall come into force: but they shall be taken notice of before.

As to things which can only be done in Term and appointed before this Act takes effect, to be done on a day which will not be a day in Term.

XII. And be it enacted, That in addition to the places at which the Circuit Court is directed to be holden by the seventy-seventh section of the said Act, the said Court shall also be holden in every year at the places and times hereinafter appointed; and the local extent and limits of the jurisdiction of the said Circuit Court, sitting at such places respectively, shall be as follows, that is to say:

New Circuits established and described.

IN THE DISTRICT OF QUEBEC.

At Tadoussac, in the County of Saguenay, in and for the Circuit to be called the Tadoussac Circuit, from the nineteenth to the twenty-eighth of June, both days included, and from the twelfth to the twenty-first of October, both days included, in each and every year, which said Circuit shall include and consist of all that part of this Province lying on the North shore of the River St. Lawrence and on the East side of the River Saguenay.

Tadoussac Circuit.

IN THE DISTRICT OF THREE-RIVERS.

1. In the parish of *St. Antoine de la Baie du Febvre*, in and for the Circuit to be called the Circuit of Yamaska, from the seventh

Yamaska Circuit.

seventh to the twelfth day, both days included, of the months of January, July and October; which said Circuit shall include the County of Yamaska, the Seigniorie of Nicolet and Augmentation in the County of Nicolet, the Townships of Wendover, Wickham and Grantham, and the first, second, third, fourth, fifth, sixth, seventh and eighth ranges of the Township of Upton, in the County of Drummond.

Arthabaska
Circuit.

2. In the parish of *Saint Norbert d'Arthabaska*, in and for the Circuit to be called the Circuit of Arthabaska, from the fifteenth to the twentieth, both days included, of the months of January, July and October, which said Circuit shall include the Townships of Warwick, Arthabaska, Stanfold, Blandford, Maddington, Bulstrode, Horton, Aston and Augmentation, and Simpson.

IN THE DISTRICT OF KAMOURASKA.

Green Island
Circuit.

In the parish of *St. Jean Baptiste de l'Isle Verte*, in and for the Circuit to be called the Circuit of Isle Verte, from the first to the tenth of March, July and December, both days included, in each and every year, which said Circuit shall include and consist of the Parishes of Trois-Pistoles, St. Eloi, Isle Verte, St. Arsène, St. George de Cacouna, in the County of Rimouski, and all the lands in the said County, lying between the said Parishes and the Province line, and between a line prolonged directly in continuation of the line separating the Parishes of St. Simon and Trois-Pistoles, and a prolongation of the eastern boundary of the Parish of *Rivière-du-Loup*.

IN THE DISTRICT OF GASPÉ.

Fox River
Circuit.

At Fox River, in and for the Circuit to be called Fox River Circuit, from the first to the tenth day of August both days included, in each and every year after the present year one thousand eight hundred and fifty-three; and the said Circuit shall be called The Fox River Circuit, and shall comprise all the settlements on the coast of the River or Gulf of St. Lawrence, from St. Anne des Monts, exclusively, to Cap Rosiers, inclusively.

Places in-
cluded in any
Circuit de-
tached from
all others.

Proviso: not
to affect pending
cases.

And so much of any Circuit established by the said Act as lies within the limits of either of the said Circuits established by this Act, shall be and is hereby detached from the Circuit in which it is now included, and shall no longer form part thereof: Provided always, that no change made by this section in the limits of any Circuit, shall affect any action, suit or proceeding commenced in any Circuit before this section shall come into effect, but the same and all proceedings and matters incident thereto, whether before or after execution, shall be continued and dealt with as if the limits of the Circuit in which such action, suit or proceeding shall have been commenced, had not been changed or affected by this Act.

XIII. And be it enacted, That the next preceding section shall come into force upon the first day of October next, upon, from and after which day, and not before, the Circuits therein mentioned shall be held to be established : Provided always, that any Clerk or Officer of the Circuit Court in and for either of the said Circuits, may be appointed at any time after the passing of this Act, to enter upon and perform the functions and duties of his Office upon the said day, although the Circuit Court may not on the said day have met or sat in the Circuit for which he shall be appointed.

When the next preceding section shall come into force.

Proviso : as to appointment of Officers.

XIV. And be it enacted, That so much of the thirteenth section of the said Act or of any other part thereof, as prevents any Circuit Judge, when in the District of Ottawa or in the District of Kamouraska, from exercising the powers of a Judge of the Superior Court during any Term of the Superior Court in such District, shall be and is hereby repealed ; and from and after the passing of this Act, each of the Circuit Judges for Lower Canada, when in the District of Ottawa or in the District of Kamouraska, shall, at all times in Term or out of Term of the said Superior Court, have and exercise all the powers vested in any one Judge of the said Superior Court.

Circuit Judges may exercise powers of Judge of Superior Court at all times in Ottawa and Kamouraska.

XV. And be it enacted, That on such days in vacation as shall have been appointed for the purpose either by any Rule of Practice to be made by the Superior Court or by any order to be made by the said Court sitting in Term in the District to which such order shall relate, the Judge of the Superior Court resident in any District in Lower Canada, except the Districts of Quebec and Montreal, shall and may hear and give judgment in any case or matter which the said Court sitting in Term in the same District could hear and give judgment in, and such judgment shall have in all respects the same effect as a judgment of the said Court in Term, unless the party deeming himself aggrieved thereby shall, on or before the third juridical day after that on which such judgment shall have been given, file in the Office of the Prothonotary of the said Court for such District his exception to such judgment and the reasons of such exception, and shall at the same time pay into the hands of the said Prothonotary the sum of Two Pounds Ten Shillings currency, or such other sum as shall be fixed by any Rule of Practice of the said Court, to secure the costs on the rehearing of the case upon such exception, in which case the judgment shall not be executed against such party, but the case or matter shall be reheard by the Court in Term in the same District, after which such judgment shall be given therein and such order made as to the costs of the rehearing as the Court shall think right ; and the Resident Judge shall not be precluded from sitting as a member of the Court at such rehearing by reason of his having given the judgment excepted to : Provided always, that Rules of Practice may be made for regulating the proceedings under this section,

The resident Judge of Superior Court in other districts than Quebec or Montreal may hear and give judgment in any case out of Term, subject to rehearing in Term at the instance of either party.

Security for costs to be given.

Proviso : as to practice in such cases.

in

in like manner as for regulating other proceedings in the said Court, but in the absence of such Rules the Judge or Court shall govern themselves and regulate the proceedings in each case, in such manner as they may deem best adapted to ensure justice to the parties concerned with the least possible expense and delay.

Two Circuit Judges in Gaspé may hold Superior Court.
12 V. c. 40.

Provision in cases where they differ in opinion.

Hearing at Quebec, &c.

Re-transmission of record to Gaspé, &c.

Proviso : as to practice under this section.

Provision with respect to Writs of Attachment to attach mo-

XVI. And be it enacted, That for and notwithstanding any thing in the said Act or in the Act passed in the same session, and intituled, *An Act to amend the Law relative to the administration of Justice in Gaspé*, the two Circuit Judges resident in the District of Gaspé may hold the Terms of the Superior Court therein, without its being necessary that any other Judge should be present at such term, and with the same powers and authority as if the Court were held by three Judges as provided by the said Act; excepting always, that whenever the said Court shall be held by the said two Circuit Judges alone, and they shall differ in opinion as to the judgment or order which ought to be made in any case, the record in such case or so much thereof as the two Circuit Judges shall agree upon as sufficient, shall be transmitted by mail by the Prothonotary having the custody thereof to the Prothonotary of the Superior Court at Quebec, so soon as the parties or any of them shall have paid to such first mentioned Prothonotary the sum necessary to pay the postage of the said record, and being so transmitted, the case shall, at the diligence of either of the parties, be heard in a summary manner by the Superior Court at Quebec in term, and such judgment or order made therein as to law may appertain, and the record with such judgment or order shall be transmitted by mail by the Prothonotary at Quebec so soon as the sum necessary to pay the postage thereon shall have been paid to him by any of the parties concerned, to the Prothonotary in the District of Gaspé by whom it was transmitted to Quebec, and such judgment or order shall then be obeyed and executed or may be appealed from and otherwise dealt with as the judgment or order of the Superior Court sitting in term in the District of Gaspé; and the costs attending such transmission of the Record and the rehearing at Quebec shall be in the discretion of the Court at that place: Provided always, that Rules of Practice may be made for regulating the proceedings under this section, in like manner as for regulating other proceedings in the said Court, but in the absence of such Rules, the Judge or Court shall govern themselves and regulate the proceedings in each case in such manner as they may deem best adapted to ensure justice to the parties concerned with the least possible expense and delay.

XVII. And be it enacted, That whenever a Writ of Attachment, *Saisie-Arrêt*, either before or after judgment, shall issue from the Superior Court for Lower Canada or the Circuit Court for Lower Canada, to attach moneys, goods or effects in
the

the hands of any person resident in any District other than the one from which such Writ issues, the *Tiers-Saisi* upon whom such Writ of Attachment shall have been served or executed by the Sheriff of such other District, shall (subject to the provision hereinafter made,) be bound to answer and make his declaration to such Writ according to the exigency thereof at the place where the same issues, and default duly obtained against such *Tiers-Saisi* shall have the same effect as if he were summoned to answer in the District where he is domiciliated and had made default to appear and answer there; and in the event of a contestation of the declaration of the *Tiers-Saisi*, the same may be had in the District where the action has originated, and the *Tiers-Saisi* upon service on him of such contestation shall be bound to answer and plead thereto in such last mentioned District, and the Superior Court and Circuit Court holden within the said District, shall have jurisdiction to hear and adjudge upon the merits of such contestation and upon all matters connected with and relating thereto; Provided nevertheless, that such *Tiers-Saisi* may on or before the return day of the Writ of Attachment, *Saisie-Arrêt*, so served upon him or them as aforesaid, appear at the office of the Prothonotary of the Superior Court within the District where he resides, and make his declaration before such Prothonotary or a Judge of the Superior Court, either of whom is hereby empowered to administer the requisite oath or affirmation, or to receive such declaration, which shall have the same effect as if it were made at the place where the Writ of Attachment is returnable.

neys, &c., in the hands of a party in a district other than that in which the Writ issues.

Proviso:
Tiers-Saisi may appear in such other District.

XVIII. And be it enacted, That whenever any declaration of a *Tiers-Saisi* shall be made (as provided for in the next preceding Section) at the office of the Prothonotary of the Superior Court in a district other than the one from which the Writ of Attachment issues, it shall be the duty of the Prothonotary where such declaration is made, forthwith to transmit the same to the Prothonotary or Clerk of the Court at the place where the Writ has issued, and subsequent proceedings may be had thereon against the *Tiers-Saisi* or defendant in the cause, in the same manner as if the declaration of the *Tiers-Saisi* were made before the Court, Judge, Clerk or Prothonotary at the place where the Writ of Attachment issued; and where the *Tiers-Saisi* has made default to answer on the return day of the Writ at the place where the Writ is returnable, the Certificate of the Prothonotary of the Superior Court in the district where the *Tiers-Saisi* is or are resident, to the effect that the *Tiers-Saisi* has made default to appear and make declaration to such Writ on or before the return day thereof, shall be sufficient to enable the Plaintiff to obtain the benefit of default against such *Tiers-Saisi*.

Declaration of *Tiers Saisi* to be transmitted to the Clerk of the Court at the place where the Writ issued; Default, &c. of *Tiers-Saisi*.

XIX. And be it enacted, That the exigency of all Writs of *Saisie-Arrêt*, whether before or after Judgment, to be issued out of the Superior Court, or out of the Circuit Court in appealable cases,

What shall be the exigency of Writs of

Saisie Arrêt in the Superior Court or in the Circuit Court in appealable cases, &c.

Default of *Tiers-Saisi*.

Tiers-Saisi may appear in District in which he resides.

Proviso: as to declarations made before the day of Return.

Delay for pleading and between pleadings in appealable cases before Circuit Court reduced.

Within what delay certain pleas must be filed.

Proviso: not to preclude the subsequent filing of other pleas.

Sect 92 of the said Act amended, and other provision made as

cases, shall in effect be, as regards every *Tiers-Saisi* therein named, to require such *Tiers-Saisi* to appear and make the declaration required of him, at the Office of the proper Prothonotary or Clerk of the Court before which he shall be summoned, during Office hours, on or before the Return day of such Writ, or on the juridical day next thereafter; and if, after due return of such Writ into such Office, any *Tiers-Saisi* thereby summoned shall fail to appear and make such declaration within the time so enjoined, his default shall on the next following juridical day be recorded, and shall thereupon have the same effect to all intents as though ascertained and recorded in open Court, saving always the right of such *Tiers-Saisi* to appear in the District in which he may reside, as hereinbefore provided; and the Prothonotary or Clerk shall have power to administer the proper oath to every such *Tiers-Saisi*; Provided always, that no such declaration made by a *Tiers-Saisi* before the day of the return of the Writ, shall be received by the Prothonotary or Clerk unless it be accompanied by a Bailiff's Certificate, shewing that notice has been given to the Plaintiff or his Attorney, at least twenty-four hours previously, of the intention of the *Tiers-Saisi* to make such declaration before the return of the Writ.

XX. And be it enacted, That notwithstanding any thing in the fifty-ninth and twenty-fifth sections of the Act cited in the preamble to this Act, the delay for pleading and between the several pleadings in appealable cases before any Circuit Court shall be five clear days only, and not eight days, as in and by the said sections provided; but that all the provisions of the twenty-fifth and twenty-sixth sections of the said Act shall apply to the said delay of five days, in the same manner as they now apply to the several delays of eight days.

XXI. Provided always, and be it enacted, That notwithstanding any thing in the twenty-fifth section of the said Act or in this Act or in any other law contained, no *Exception à la forme*, *Exception Déclinatoire*, *Exception Dilatoire*, or other preliminary plea, shall be received, unless the same be filed within four days from the day of the return of the Writ or of the filing of the pleading to which such preliminary Exception or plea is opposed: But the fact of his having filed any such preliminary plea or Exception shall not preclude any party from filing afterwards a plea or pleas to the merits of the cause within the delay allowed by law for the filing of such pleas; and such delay shall be reckoned from the day of the date of the interlocutory judgment on the preliminary plea or of the withdrawal of the same.

XXII. And be it enacted, That so much of the ninety-second section, or of any other part of the said Act, as directs that the mere filing of a *Demande* in intervention in any case, shall stay proceedings in such case during three days, shall be and is hereby

hereby repealed ; and that from and after the passing of this Act, the *Demande* in intervention may be filed as at present without being allowed by any Court or Judge, but shall not stay proceedings in the case or otherwise affect the same until it shall have been allowed by the Court upon motion in Term or by one of the Judges of the Court upon petition in vacation ; and that after any such *Demande* in intervention shall have been allowed by the Court, the proceedings in the case shall be stayed during three days, and the provisions of the said ninety-second section shall apply after such allowance of the *Demande* in intervention as they now do after the filing of the same : And every such motion or petition may be made or presented at any time before Judgment.

regards *Demands* in intervention.

XXIII. And whereas the Courts of Lower Canada are not by law invested with sufficient authority to guard against the fraudulent arrangements of debtors with the bidders, at the sale of real property seized by authority of Justice : Be it therefore enacted, That whenever it shall appear to the Court out of which any *Writ de Terris* shall have issued, by the return of the Sheriff, or of any other officer of the Court duly authorized to act in such seizure, that the purchaser of real property taken in execution, has neglected to pay the price of his adjudication according to the conditions of the sale, the Court, at the instance of the plaintiff or of the defendant, or of any opposing party, shall order the Sheriff or other officer of the Court, as above mentioned, to proceed anew with the sale of the said real property at the *folle enchère* of the purchaser after notices given in the manner prescribed by law ; and shall direct the said Sheriff or such officer of the Court to require every bidder presenting himself at the time of such second sale, before receiving his first bidding, to deposit and pay a sum equal to the amount of the costs then due to the plaintiff for costs of judgment and seizure.

Recital.

When the purchaser of real property at Sheriff's sale does not pay : Court shall order Sheriff to sell it again : and that every bidder deposit a certain sum before his bidding is received.

XXIV. That if any bidder refuse to pay such sum, such Sheriff or officer of the Court shall go on with the said second sale, starting from the next preceding bidding, as if such bidder had not offered any bidding.

Otherwise he shall disregard such bidding.

XXV. That in case of a third sale and adjudication in consequence of the neglect of the second purchaser to deposit the price of his purchase, it shall be lawful for the Court, if thereto required by any interested party, to order such Sheriff or officer of the Court to require every bidder, before bidding, to deposit and pay into his hands a sum equal to one third of the debt due the plaintiff, including capital, interest and costs ; but such sum shall in no case exceed One Hundred Pounds currency.

Larger deposit may be required in case of a third sale.

XXVI. That when the plaintiff or his Attorney, *ad litem*, or any person duly authorized to act on behalf of the plaintiff, shall authorize such Sheriff or officer of the Court either in writing

Plaintiff may authorize Sheriff to receive

or

a bidding
without de-
posit.

or in the presence of two competent witnesses, whose names such officer shall enter in his return of proceedings, to receive the bidding of a bidder without requiring the deposit of moneys in the cases above mentioned, such Sheriff or officer of the Court shall receive such bidding, and shall proceed to the sale and adjudication of the real property seized, without requiring the deposit and payment of the sums aforesaid or of any sum whatsoever.

If the Plain-
tiff swear that
he believes
Defendant
will cause prop-
erty to be
adjudged to
insolvent per-
sons, deposit
may be or-
dered in first
instance.

XXVII. That if after the issue of the Writ *de terris* and before the first adjudication, the plaintiff or his Attorney in the cause shall declare on oath before one of the Judges of the Court, that he is credibly informed and believes that the defendant, with a view to retard the sale of the real property seized, will cause the real property to be adjudged to insolvent or unknown purchasers, the Court shall have power to order such Sheriff or officer of the Court, who is hereby required to obey such order to require every bidder at the sale of any real property to deposit and pay into his hands a sum equal to that due for costs up to the day of sale before receiving such bidding, unless such Sheriff or officer of the Court shall, at the time of the sale, be authorized by the plaintiff, or by his Attorney, *ad litem*, or by some party duly authorized, to attend to his interests, to receive such bidding without requiring such deposit or payment.

Deposit to be
returned to
bidders not be-
coming pur-
chasers, &c.

XXVIII. That such Sheriff or other officer shall, immediately after the adjudication, return to the bidders to whom such property shall not have been adjudged, the moneys deposited by them respectively in virtue of this Act, and the amount deposited by the person to whom the property shall be adjudged shall be considered as part payment of the purchase money.

*Fol adjudica-
taire* liable for
all damages,
and subject to
*contrainte par
corps*.

XXIX. That in every case the *fol enchérissenr et adjudicataire* shall, in addition, be required to pay all other damages and interest accruing to the judgment creditor, and *contrainte par corps* may issue against such bidder for the recovery of the difference between the amount bid by him and that of the resale on *folle enchère*, without his being entitled to claim any overplus that might exist. Such overplus shall be paid to the other creditors in their order, or in the absence of other creditors, then to the judgment debtor.

How such
contrainte
shall be or-
dered

XXX. That such *contrainte par corps* shall be ordered by the Court at the instance of the plaintiff, or of the defendant, or of any opposant not collocated for the full amount of his debt, who shall make it appear by production before the Court of the Record and of the proceedings on the seizure of the real property, that such bidder has not paid in and deposited the purchase money, and that a difference exists between the price of such bidder and that of the second sale; and such *contrainte* shall be ordered and shall last until such pretended bidder shall

Its duration.

shall have paid the amount of such difference, and of all costs incurred in the obtaining of such *contrainte par corps*.

XXXI. And whereas much inconvenience, expense and delay arise from the present Rule of Law under which the purchaser of any real property can, in case of eviction or other *trouble*, call only upon his immediate *garant*, who, in his turn, may call upon his *garant*, and so on until the last party responsible be brought into Court—For remedy thereof, Be it enacted, That in any such case it shall be lawful for the purchaser evicted or troubled, to bring his action *en garantie* in the first instance against any party who might under the present Law be eventually brought into Court in the manner aforesaid as *garant*; and in like manner any person called into Court as *garant* in any such case may call into Court as his *garant* any party who might under the present law be eventually brought into Court as *garant* in such case, in the manner aforesaid; but nothing herein shall prevent any such party as aforesaid from suing or calling into Court his immediate *garant* if he think proper so to do.

Recital.

Any party who might be eventually called into Court as *garant* respecting real property, may be so called in the first instance.

XXXII. And be it declared and enacted, That in the absence of any one of the Judges, who have sat and been present at the hearing of any cause or proceeding argued or hereafter to be argued before the said Superior Court, it is and shall be lawful for the other Judges to pronounce Judgment in such cause or proceeding, provided they constitute a majority of the Judges who heard the same argued, and agree in opinion in relation to such Judgment.

Judgment may in certain cases be given in the absence of a Judge who was present at the hearing.

XXXIII. That in all proceedings commenced and carried on in vacation, in virtue of any law now or hereafter to be in force, before any one or more of the Judges of the Superior Court, it is and shall be competent, in case of the illness or absence of any one of the said Judges, for any other Judge of the said Court to sit in the place of the Judge so ill or absent, and to exercise the power and authority which would have been exercised by the Judge so ill or absent, had he continued to sit.

One judge may continue proceedings commenced in vacation by another.

XXXIV. That whenever there exists a difference of opinion between any two of the Judges before whom such proceedings have been commenced and carried on, the said Judges have and shall continue to have a right to order that the cause be argued before them and one other Judge of the said Court.

Provision where a case is heard before two Judges and they differ.

XXXV. And be it enacted, That from and after the passing of this Act, the Township of Acton, and so much of the Township of Upton not comprised within the first, second, third, fourth, fifth, sixth, seventh and eighth ranges thereof, in the County of Drummond, in the District of Three-Rivers, shall be annexed to and be included within the County of St. Hyacinthe, for Judicial, Municipal and all other purposes, as if the said Township

Action and part of Upton annexed to County of St. Hyacinthe.

Township

Township and part of Township had always formed part of the said County, and shall form part of the Circuit of St. Hyacinthe.

Commence-
ment of Act.

XXXVI. That this Act shall, except in so far as is otherwise specially provided for, come into force on the first day of August next.

SCHEDULE A.

Times at which the Terms of the Superior Court shall be holden in the Districts of Quebec and Montreal.

At the City of Quebec, in and for the District of Quebec, from the first to the fifth, both days included, of the months of February, March, April, May, September, October and December, and from the twentieth to the twenty-fifth, both days included, of the months of June and November, in each and every year.

At the City of Montreal, in and for the District of Montreal, from the seventeenth to the twenty-seventh both days included, of each of the months of February, March, April, May, June, September, October, November and December, in each year.

SCHEDULE B.

Times at which the terms of the Circuit Court shall be holden in the Quebec and Montreal Circuits.

At the City of Quebec, in and for the Quebec Circuit, from the twentieth to the twenty-fifth, both days included, of the months of January, February, March, April, May, June, September, October, November and December, of each and every year.

At the City of Montreal, in and for the Montreal Circuit, from the tenth to the fifteenth, both days included, of each of the months of February, March, April, May, June, September, October, November and December, of each year.

C A P . C X C V .

An Act to amend the Lower Canada Judicature Act, and to provide for the service of Circuit Court Writs by Bailiffs in certain cases.

[Assented to 14th June, 1853.]

Preamble.

12 V. c. 38.

WHEREAS it is expedient and necessary to amend certain Sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada,*

Canada, and to provide an easy and less expensive mode of effecting the service of Writs of Summons and Writs of Execution *de bonis* issuing from the Circuit Court created by the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fiftieth Section of the Act first above cited, shall be and is hereby amended in such a manner as to permit all Writs of Summons *ad respondendum* issuing from the said Circuit Court in all cases cognizable therein, and when by law such Writ may be executed in any District other than the District in which the same shall have issued, to be, at the option and choice of the Plaintiff or Plaintiffs in such cases, addressed either to the Sheriff of such other District or to any Bailiff of the Superior Court in such other District, to be by such officer executed and returned into the Circuit Court at the place where the same shall have issued, according to the exigency of such Writ and to law, and such Writ so returned shall be received and the Certificate of due service or execution shall be authentic as in ordinary cases.

Writ of Summons to be served in another District may be addressed to the Sheriff thereof, or to a Bailiff therein, at the option of the Plaintiff.

II. And be it enacted, That in any case in the said Circuit Court when any Writ of Summons shall require to be executed in two or more Districts, the next preceding Section may apply and regulate the proceedings, and as many original Writs of Summons may issue as there may be Districts in which the same are to be executed, and the ninety-third Section of the Act herein first above cited, shall be so interpreted as to give full and ample effect to this Section of the present Act.

Preceding section to apply where the Writ is to be served in more than one District.

III. And be it enacted, That the seventy-first Section of the Act herein first above cited, shall be and is hereby so amended as to permit *alias* Writs of Execution *de bonis* issuing from the said Circuit Court, and requiring to be executed in any District other than the District in which the same shall have issued, to be, at the option and choice of the Plaintiff or Plaintiffs in such cases, addressed either to the Sheriff of such other District or to any Bailiff of the Superior Court in such other District, to be by such officer duly executed and returned into the Circuit Court at the place where the same shall have issued, and the said Court shall be bound to receive the return of service and execution as in other cases.

Alias Writ of execution *de bonis* to be executed in another District, may be addressed to a Bailiff.

IV. And be it enacted, That in all cases wherein such Writs of Summons or of execution *de bonis* shall be so addressed to a Bailiff of the Superior Court in such District other than the District in which the same shall have issued, it shall be the duty

Duty of the Bailiff to whom any such Writ

shall be addressed.

duty of such Bailiff in whose hands such Writ shall be placed forthwith to execute and duly return the same into the Circuit Court at the place where the same shall have so issued.

Punishment of Bailiff neglecting his duty as to any such Writ.

V. And be it enacted, That any such Bailiff who shall neglect or refuse duly to execute and return in accordance with the provisions of this Act, any such Writ so entrusted to him, or who shall improperly execute or return any such Writ of Summons or Writ of Execution, shall be liable in damages at the suit of the Plaintiff or Plaintiffs or other interested person or persons, as in ordinary cases, for all injury or loss sustained by such neglect or refusal, or by such improper execution or return of any such Writ, and the sureties of such Bailiff shall be holden as in other cases according to law.

Liability of Bailiff for moneys levied under any such Writ.

VI. And be it enacted, That in any case wherein under any Writ of Execution so as aforesaid issued and addressed to any Bailiff, such Bailiff shall have levied the amount of the said Writ of Execution or any part thereof, such Bailiff shall be held responsible for the due payment thereof to the Plaintiff or Plaintiffs, or into the Court from which the Writ issued in any such cause, and shall be *contraignable* for the same by the ordinary course of law, and by the order of the Circuit Court at the place where such Writ of Execution shall have issued.

C A P . C X C V I .

An Act to amend the Acts assigning fixed Annual Salaries in lieu of Fees, to certain Officers of Justice in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

13 & 14 V.
c. 37.

14 & 15 V.
c. 17.

WHEREAS it is just and proper to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the salaries, fees, emoluments and pecuniary profits attached to their Offices*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act substituting Salaries for Fees, in certain cases in Lower Canada*, so as to secure to the Officers in the said Acts mentioned, the payment in full of the salaries assigned to them respectively under the provisions of the said first mentioned Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

That

That notwithstanding any thing to the contrary in either of the Acts cited in the Preamble to this Act, all the salaries, fees, emoluments and pecuniary profits whatsoever attached to the Offices in the said Acts mentioned, shall form but one fund, to be called *The Officers of Justice Fee Fund*, and faithful and detailed accounts of such salaries, fees, emoluments and pecuniary profits, and of the various fixed salaries payable out of the same, shall be rendered to the Inspector General of Public Accounts of this Province, and the moneys arising therefrom shall from time to time be paid over by the Officers by the said Act authorized to collect the same, in such form and in conformity with such instructions as shall from time to time be prescribed by or by order of the said Inspector General, under the instructions of the Governor in Council.

All the Fees, &c., to form one General Fund.

Accounts to be rendered, and moneys paid over.

II. The amount of such salaries, fees, emoluments and pecuniary profits of what kind soever attached to the aforesaid Offices, and forming the Fund so as aforesaid created, collected from the tenth day of September, one thousand eight hundred and fifty, to the thirty-first day of December, one thousand eight hundred and fifty-two, and the amount of the said fund for any subsequent period, shall be appropriated to the payment of the fixed salaries assigned under the provisions of the hereinbefore first mentioned Act, to the Officers therein named, their Deputies and Clerks, and to the payment of such other sums as are chargeable on the said Fund by the said hereinbefore first mentioned Act; and the said salaries shall from the time of the passing of this Act, be paid by quarterly payments; and the amount by which the sum actually received by any such Officer for the period first mentioned has fallen short of that to which the salary assigned to him by the Act first cited would amount for the said period, shall be paid to him forthwith after the passing of this Act; and the surplus (if any there be) of the said Fund, for the said period or in any subsequent period, after paying the salaries and other charges payable out of the same, shall form part of the Consolidated Revenue of the Province; and in case the said Fund for the said period or any subsequent period shall fall short of the amount of the said salaries and the said other charges on such Fund, for the same period, the deficiency shall be paid out of the said Consolidated Revenue Fund of the Province.

Officers to receive the salaries mentioned in the said Act, out of the said General Fund.

Surplus to be paid into Consolidated Revenue Fund, and deficiency to be made good out of the same.

III. And whereas it is expedient and just that an alteration should be made in the remuneration attached to the Offices of Sheriff, Prothonotary of the Superior Court, Clerk of the Crown, and Clerk of the Peace of and for the District of St. Francis, and Clerk of the Circuit Court at Sherbrooke; Be it therefore enacted, That notwithstanding any thing contained in the fourth Section of the Act secondly cited in the Preamble of this Act, it shall be lawful for the Governor to assign to the said Officers for the said District of Saint Francis annual and fixed salaries not exceeding those hereinafter mentioned, and

Increased allowances to certain Officers in District of St. Francis.

from time to time to modify the same as he shall judge expedient, that is to say :

Firstly. To the Sheriff, a sum not exceeding Two Hundred and Fifty Pounds currency ;

Secondly. To the Prothonotary or Clerk of the Superior Court, a sum not exceeding Two Hundred Pounds currency ;

Thirdly. To the Clerk of the Circuit Court, for the *Sherbrooke Circuit*, a sum not exceeding One Hundred Pounds currency ;

Fourthly. To the Clerk of the Crown, a sum not exceeding Fifty Pounds currency ;

Fifthly. To the Clerk of the Peace, a sum not exceeding One Hundred and Fifty Pounds currency.

Additional allowance may be made in certain cases out of surplus Fund.

IV. And be it enacted, That out of any surplus of the said Fund which may remain at the close of any quarter, after payment of the salaries assigned to all the said Officers, and before such balance shall be paid over to the Consolidated Revenue Fund, it shall be lawful for the Governor to pay such additional sum as he may deem just to any Officers employed in the Administration of Justice, in any Judicial District in Lower Canada, whose services may not in the opinion of the Governor have been sufficiently remunerated during such quarter ; Provided that in no case shall any such additional sum be paid to any Officer who has received as a Salary or by Fees a sum of Fifty Pounds currency, or more, for his services during such quarter, and that the additional payment or payments made to any such Officer in the course of any one year, together with the salary or fees received by him during the same year, shall not exceed the sum of Two Hundred Pounds currency.

Proviso : Allowance limited in each case.

Inconsistent enactments repealed.

V. And be it enacted, That so much of the Acts hereinbefore cited as is inconsistent with the provisions of this Act, shall be and is hereby repealed.

C A P . C X C V I I .

An Act further to amend the Laws relating to the Summoning of Jurors in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS great inconvenience has been experienced in the administration of Justice in Lower Canada, from the want of a sufficient number of Petit Jurors attending the several Courts having criminal jurisdiction, and it is necessary for the purpose of securing the attendance of larger numbers, to reduce the qualification of Petit Jurors: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and

of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the eighth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirteen, and intituled, *An Act to regulate the summoning of Jurors in Lower Canada*, shall be and is hereby repealed.

Sect. 8 of 10
& 11 V. c.
13, repealed.

II. That the Sheriffs of the Districts of Quebec, Montreal, Three-Rivers and St. Francis, respectively, shall inscribe on the lists of Petit Jurors to be by them made in pursuance of the provisions of the said Act, the name of every person resident in the Cities of Quebec and Montreal and the Towns of Three-Rivers and Sherbrooke, respectively, or resident within ten leagues of the said Cities and Towns, and occupying any house as tenant, and paying for the same a yearly rent of or above the sum of Seven Pounds Ten Shillings currency, and less than Forty Pounds currency, and not specially exempted by law from serving as a Petit Juror.

Sheriffs of
Quebec,
Montreal,
Three-Rivers
and St. Fran-
cis to enter
certain per-
sons on the
lists of Petit
Jurors.

III. And be it enacted, That notwithstanding any thing to the contrary contained in the fourteenth Section of the Act hereinbefore lastly cited, the Sheriffs of the Districts of Quebec and Montreal respectively, shall not hereafter be required to complete the renewal of the various Lists of Jurors in the said Act mentioned before the fifteenth day of August, in every second year.

Sheriffs of
Quebec and
Montreal to
complete re-
newal of
Jurors' Lists
before 15th
Augt. in
every second
year.

IV. And whereas doubts have been raised as to whether the provisions regulating the summoning of Grand and Petit Jurors in and for the District of Gaspé, contained in the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to establish the District of Gaspé, and to provide for the due administration of Justice therein*, were repealed by any of the provisions contained in the Act aforesaid, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to regulate the summoning of Jurors in Lower Canada*; Be it therefore declared and enacted, That the several provisions relating to the summoning of Grand and Petit Jurors contained in the Act in this Section first cited, have been and shall remain as fully in force as if the Act in this Section secondly cited had never been passed.

Recital.

7 V. c. 17.
Certain pro-
visions of 7 V.
c. 17, not af-
fected by 10
& 11 V. c. 13.

CAP. CXCVIII.

An Act to facilitate the admission in evidence of Foreign Judgments and certain affidavits and other documents, and otherwise to improve the Law of Evidence in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it would greatly diminish the expense of legal proceedings and prove highly beneficial to the advancement of justice in Lower Canada, if certain Judgments and other documents were admitted in evidence without further proof thereof as now required by law: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada* and it is hereby enacted by the authority of the same, That an Exemplification of any judgment, decree or other judicial proceeding of any Court in any of Her Majesty's Dominions, or in any Foreign Country, under the seal of the Court in which such judgment or other judicial proceeding was recovered, made or taken, or under the signature of the Prothonotary, Clerk or Custodier of the record of such Judgment, decree or other judicial proceeding, shall be received whenever offered in any Court of Justice in Lower Canada, as *prima facie* evidence of such judgment, decree or proceeding, unless proof to the contrary be made.

Exemplifications of Judgments, &c., to be received as *prima facie* evidence

Exemplification and Probates of Wills to be received as *prima facie* evidence.

II. And be it enacted, That an Exemplification of any Will executed in Her Majesty's Dominions or in any Foreign Country, under the seal of any Court wherein the original Will may be of record, or under the signature of the Judge, Surrogate or Clerk of such Court, or of the Custodier of such Will, shall be taken and received, whenever offered in any Court in Lower Canada, as *prima facie* evidence of the execution of such Will; and the Probate of any such Will, under the seal of any Court of competent jurisdiction, shall be received as *prima facie* evidence of the contents thereof, and also of the death of the Testator, unless proof to the contrary be made.

Certificates of marriages, &c., out of L. C. to be received as *prima facie* evidence.

III. And be it enacted, That a Certificate of the Marriage of any person married, or of the Baptism of any person baptised, or of the Burial of any person interred beyond the limits of Lower Canada, under the hand of the Clergyman, Priest or Minister, who shall have officiated at such Marriage, Baptism or Burial, or of the Public Officer before whom such Marriage may have been contracted, or an extract from any Register kept for the registration of any such Marriages, Baptisms or Burials, certified

certified by the Clergyman, Priest, Minister or Public Officer, being the legal Custodier thereof, whenever offered in any Court of Justice in Lower Canada, shall be taken and received as *prima facie* evidence of the contents thereof.

IV. And be it enacted, That it shall not be necessary to prove any Seal or the Signature or Authority of any Officer affixed to any Exemplification, Probate, Certificate or Extract which by the foregoing Sections is made *prima facie* evidence of the facts therein stated, but the production of any such Document purporting to be sealed with such Seal and signed by such Officer, shall be *prima facie* evidence of such Seal and Signature, and of the authority of the Officer purporting to have affixed such Seal to such Document or to have signed the same.

Seal or Signature to any such Document need not be proved.

V. And be it enacted, That it shall be competent to any party interested in any such Will, upon the production of an Exemplification of the same, and of the Probate thereof, if there be any, to the Superior Court for Lower Canada, or any of the Judges thereof, to require and have the same recorded in the Office of the Prothonotary of the said Court in any one of the Districts of Lower Canada; and when so recorded, a copy thereof certified by the Prothonotary of the said Court, shall have the same force and effect as such Exemplification.

Exemplification and Probate may be recorded in L. C. and certified copies thereof shall be authentic.

VI. And be it enacted, That the Seal of any Foreign State, and the Certificate of the Secretary or any one of the Secretaries of any such State, or of the Executive Government thereof, whenever offered in any Court of Justice in Lower Canada, to establish the existence and competency of any Court, Corporate Body, Clergymen, Priest or Minister, Office or Officer, its or his identity in relation to any public document, or any other matter, shall be deemed authentic without proof thereof, and shall be taken and received as *prima facie* evidence of the fact intended to be established thereby, whether such State be a separate Sovereignty, or be one of the United States of America, or of any other Federation or Union of several States.

Seals and Certificates of Foreign States, &c., to be *prima facie* evidence.

VII. Provided always, and be it enacted, That it shall be competent to any party to a suit or proceeding to deny the truth of any of the said Exemplifications, Probates, Certificates or Extracts, by doing so in writing before the close of the *Enquête* of the party who may produce the same, in which case it shall be incumbent upon such party to prove the contents of such Exemplification, Probate, Certificate or Extract in the manner now required by law; but in the event of such Exemplification, Probate, Certificate or Extract being duly proved by a commission or otherwise to be correct and true, the costs of such proof to be taxed by the Judge, shall and may in the discretion of the Court or Judge before whom such suit or proceeding is had, be ordered to be paid by the party who may have denied the truth thereof as aforesaid, whatever may be the

Any party may deny the truth of the said exemplifications, &c. As to costs in such case.

Costs.

finat

Proviso: Security for costs to be given in such case, by the party denying the truth of such signature, &c.

final judgment in the cause; And provided further, that whenever the truth of any of the said Exemplifications, Probates, Certificates or Extracts, shall be denied as aforesaid, security for the costs attending the execution of a commission to prove the same, shall be given to the satisfaction of the Court or Judge by the party denying the truth of the same, and within the time and for such amount as the said Court or Judge shall direct.

C A P . C X C I X .

An Act to amend the Act, intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein mentioned.*

[Assented to 14th June, 1853.]

Preamble.

12 V. c. 41.

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign chaptered forty-one, intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein mentioned*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the twentieth Section of the said Act shall be, and it is hereby repealed, provided that nothing in this Act contained shall affect any cause now pending in appeal.

Sect. 20 of said Act repealed.

Either party may inscribe on Roll de droit: giving notice to the other.

II. That in all cases in which a Writ of *certiorari* shall have been or shall be issued, and a regular return thereof shall have been made, it shall be lawful for any party interested to inscribe the cause on the roll *de droit*, on giving notice thereof to the opposite party; and the hearing of the said cause on the merits shall be proceeded with as in ordinary causes.

C A P . C C .

An Act to amend the Act to regulate the exercise of certain rights of Lessors and Lessees, in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS the Act of the Legislature of Lower Canada passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to regulate the exercise of certain rights of Lessors and Lessees*, has been found to work badly, and it is necessary to amend it: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all the cases mentioned in the Act first above cited, whether the lease or agreement of lease be verbal, written or authentic, the cause and all proceedings therein, and matters relative thereto, whatever be the amount of the claim, or of the lease, or agreement of lease, or of the value of the thing in contestation, shall be heard, tried and determined before any Judge of the Superior Court or Circuit Judge, and in any case in term or in vacation: Provided always, that in all cases in which an action shall be brought for use and occupation, a lease shall be considered as existing between the proprietor and the occupant, but it shall not be necessary to produce or prove the same, and such lease shall be considered as expiring on the first day of May following, unless it be proved that an agreement to the contrary has been made between the parties.

Preamble.

L. C. 3 W. 4,
c. 1.

By what
Judges cases
under the said
Act shall be
heard.

Proviso.
Presumptive
lease in cer-
tain cases.

II. And be it enacted, That the proceedings in all such cases shall be commenced by Summons with declaration annexed, in the usual form, and according to the practice of the Court, which shall be directed to a Bailiff of such Court for service thereof; and the service shall in all cases be one clear day before the return where the defendant shall reside within five leagues from the place of return, with an additional day for each additional five leagues of distance from the said place of return.

Mode of pro-
ceeding.

III. And be it enacted, That the said proceedings shall be summary, and no exception, whether formal or otherwise, shall be allowed to prevail against any such proceedings, if the same be amended forthwith by the Plaintiff, but any defect, error or omission therein may be amended at any stage thereof, according to the facts of the case, with costs or without costs, at the discretion of the Judge.

Proceedings
to be sum-
mary: No
exception al-
lowed.

IV.

When proceedings may be commenced.

If possession refused.

Delay between service and appearance, &c.

If default be made.

Plaintiff may proceed for rent and possession.

Effects seized not to be left in charge of defendant without security.

Plaintiff may demand the rescision of the lease, &c. in certain cases.

Writ of Possession.

Proviso.

IV. And be it enacted, That the proprietor or lessor may proceed under the said Act and this Act, at any time after the end of three days from the expiration of the lease, or agreement of lease, to recover possession of the immoveable leased and detained after that time, and in the event of the lessee refusing to give up the leased premises at the expiration of the said three days, the proprietor or lessor may commence proceedings on the next day after the expiration of the said three days.

V. And be it enacted, That the defendant shall appear and plead on the day following the return, before noon, on which day, or the next day following, the plaintiff shall answer such plea, and the *enquête* shall thereupon be ordered *ipso facto* without delay; and if the defendant fail to appear and plead within the time aforesaid, default shall be recorded against him, and thereupon judgment shall be immediately entered against him if the service has been personal, and after proof if the service has not been personal.

VI. And be it enacted, That the Plaintiff may, in and by the same proceedings, and at the same time, sue for and recover possession of the immoveable leased, and of any arrears of rent due, and may seize the goods of the lessee by *saisie-gagerie*, *saisie-arret simple* before judgment, or *saisie entiercement*, according to law, without in either case being deprived of his privilege as such proprietor or lessor, and on due proof thereof, the judgment shall be entered for the possession and for such arrears.

VII. And be it enacted, That whenever a Writ of *saisie-gagerie* shall issue to seize the effects of a tenant, the same shall not be left in his guardianship without the consent of the plaintiff, or unless he shall offer sureties, to be approved by the Sheriff or Bailiff, as the case may be, for the production of the said effects, who shall be liable to the same penalties and obligations therefor, as guardians now are under ordinary Writs of Execution.

VIII. And be it enacted, That whenever any plaintiff shall, under the said Act or this Act, sue for the recovery of any rent or any quarter's rent, or rent for any period due to him, he may at the same time and by the same proceedings, pray that the lease may be rescinded if such rent be not paid within the time to be appointed for that purpose in the judgment, or by the sale of the goods pledged for the rent, and thereupon the Judge shall order the same in and by the said judgment; and if it appear by the return of the Sheriff or Bailiff to the Writ of Execution to be issued on such judgment, that the sale of the effects seized has not produced enough to pay the rent due and costs, a Writ of Possession shall issue, addressed to the Sheriff or Bailiff, to dispossess the defendant and all others in the said premises, and to remove their effects and put the plaintiff in possession: Provided always, that the return to the Writ of Execution shall be made

made on the day next after the sale, if the place of sale be not more than five leagues from the place where the judgment shall be rendered, and one additional day shall be allowed for every additional five leagues.

IX. And be it enacted, That the *droit de suite* shall and may be exercised by Writ of *saisie-arrêt simple* or *saisie-arrêt en mains tierces* before judgment according to law, against the effects of any tenant for the entire amount due and to become due in virtue of any lease in writing or verbal agreement for lease, which said amount shall on due proof be adjudged to the proprietor or lessor, and together with the costs of judgment and execution aforesaid, shall be levied by Writ of Execution, upon and from the sale of the said effects, if the same shall suffice therefor.

How the *droit de suite* may be enforced.

X. And be it enacted, That the Sheriff or Bailiff executing any Writ of Possession, under the said Act or this Act, shall have full power to use force, if necessary, to execute the same.

Sheriff or Bailiff may use force.

XI. Provided always, and be it enacted, That in any case where the proprietor or lessor shall have obtained a judgment of possession for any unexpired portion of any lease in writing or verbal agreement, or shall have proceeded by *droit de suite* as aforesaid, the Writ of Execution shall direct the said unexpired portion of the said lease to be first realised and sold before the sale of the said effects shall be made, and the said effects shall in that case be sold only to the extent of and for an amount sufficient to cover the entire amount of the judgment with costs as aforesaid, and in all cases the amount levied under Writ of any Court shall be returned into and deposited in the office of the Prothonotary of such Court, as the case may be, for distribution thereof according to law and the practice of such Court, but such distribution shall not be ordered except as the terms mentioned in the lease shall expire and as the rent shall become due.

Unexpired portion of a lease to be the first thing sold in execution under the said Act.

Amount levied to be returned into Court for distribution.

XII. And be it enacted, That an appeal shall lie from any judgment rendered as aforesaid, when the amount thereof shall be sufficient, or the object in contestation shall give a right of appeal according to law, in the same manner and on the same conditions as in other cases, but in addition to the usual security, the appeal bond shall be conditioned for the payment of all damages arising from the non-execution of the judgment, in consequence of such appeal; and no sureties shall be received unless they shall give in writing, signed by them, a description of real property to them belonging, the value whereof shall be equal to the amount for which security is to be given, over and above all hypothecs, charges or incumbrances, payable out of or affecting the same, nor unless they shall (if required by the opposite party), justify their sufficiency on oath, and produce the titles to such real property as aforesaid.

Appeal given: in what cases and on what conditions.

What security the Appellant must give.

Proceedings upon oppositions to executions under this Act.

XIII. And be it enacted, That in any case, in which an opposition shall be filed to the execution of any judgment rendered under this Act and the Act amended thereby, the trial, hearing and determining of the said opposition shall be proceeded with as in original actions, adopting, as respects the proceedings but not as respects the delay, the ordinary mode of procedure on similar oppositions.

Saisies-Arrêts may issue on judgments.

XIV. And be it enacted, That *saisies-arrêts* in the hands of third parties may be issued under the said judgments rendered or to be rendered, in the same manner as in ordinary causes, and the same proceedings shall be had on such *saisies-arrêts* as in ordinary cases.

Act to apply to occupants by forbearance or gratuitously.

XV. And be it enacted, That in any case in which a person shall occupy any property without a lease or agreement, but with the forbearance or gratuitous permission of the proprietor thereof, and such person shall refuse to quit the said property, summary proceedings may be had against such person in the same manner as if he were occupying the said property under a lease.

To what cases this Act shall apply.

XVI. And be it enacted, That nothing in this Act shall apply to or affect any proceeding commenced before the passing thereof; save and except as regards oppositions and *saisies-arrêts*, and the provisions hereof shall apply to rural as well as urban property.

Interpretation.

XVII. And be it enacted, That the Interpretation Act shall apply to the said first cited Act, and to this Act.

Inconsistent Acts repealed.

XVIII. And be it enacted, That all Laws and parts of laws which shall be inconsistent with this Act, shall be and are hereby repealed.

C A P . C C I .

An Act to regulate the holding of General Sessions of the Peace in the Districts of Kamouraska, Ottawa and St. Francis.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to make more ample Legislative provision for the holding of the Courts of General Sessions of the Peace in the Districts of Kamouraska, Ottawa and St. Francis: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada,*

Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That all the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the holding of Courts of General or Quarter Sessions of the Peace in Lower Canada*, except those of the second, third ninth and tenth Sections thereof, shall be and are hereby extended, and shall apply to the Districts of Kamouraska and Ottawa, in like manner as to the other Districts of Lower Canada; and the terms of the General Sessions of the Peace in and for the District of Kamouraska, shall commence at Kamouraska on the seventh day of January and the fifteenth day of July in each year, and the terms of the General Sessions of the Peace in and for the District of Ottawa, shall commence at Aylmer, on the fifth day of April and October in each year: Provided nevertheless that if any of the said days be a Sunday or Holiday, the said Sessions shall commence on the next juridical day thereafter.

Certain provisions of 13 & 14 V. c. 35 extended to the Districts of Kamouraska and Ottawa.

Periods of sessions.

Proviso.

II. And be it enacted, That the third Section of the Act hereinbefore cited shall be and the same is hereby repealed; and that General Quarter Sessions of the Peace for the District of Saint Francis shall hereafter be held and the terms thereof shall henceforward commence on the eighth day of January, April, July and October in each and every year, and not at any other time or times: Provided nevertheless, that if any of the said days be a Sunday or Holiday, the said Sessions shall commence on the next juridical day thereafter.

Section 3 of said Act repealed. Sessions in St. Francis.

Proviso.

III. And be it enacted, That every Writ, Process, Recognizance or other Document which is or shall be returnable into any of the said Courts of General or Quarter Sessions of the Peace, or by which any party shall be bound to appear or attend at any such Court, or any thing shall have been ordered to be done in or before any such Court on any day subsequent to the time when this Act shall come into effect, shall be returned into such Court and shall be held and considered to be returnable, or such party shall be held to appear or attend, or such thing shall be done, in or before such Court on that juridical day of the Sessions of such Court, which shall be next after the day on which such Writ, Process, Recognizance or Document shall have been made returnable, or in which such person shall have been bound to appear or attend, or on which such thing shall have been ordered to be done.

Return of Writs. &c. issued before this Act shall be in force.

CAP. CCII.

An Act to amend the Laws relative to Commissioners' Courts for the Trial of Small Causes in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS for the prevention of fraud, it is expedient to make provision for the due attestation of the signatures to the Petitions for the discontinuance or re-establishment of Commissioners' Courts, under the Act passed in the present Session and intituled, *An Act to amend the Act providing for the summary decision of Small Causes in Lower Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That before any Petition under the Act cited in the Preamble of this Act, either for the discontinuance or for the re-establishment of a Commissioners' Court in any Parish, Seigniorie or Township, shall be certified by any Justice of the Peace or Officer of Militia, as being signed by an absolute majority of the Municipal Electors residing in such Parish, Seigniorie or Township, each signature shall be attested on oath, before some Justice of the Peace residing in the County in which such Parish, Seigniorie or Township shall lie, by some Municipal Elector of such Parish, Seigniorie or Township known to such Justice of the Peace, in the following form, or words to the like effect:

16 V. c. 14.

Signatures of Petitioners under 16 V. c. 14, to be attested on oath, and in what manner.

Form of oath.

"I, M. N. swear that A. B., C. D. and E. F. (*inserting the names of the party or parties whose signature or signatures is to be attested,*) signed the above written Petition in my presence; that I am personally acquainted with him (*or them*) and know that he is (*or each of them is*) a Municipal Elector of the Parish (Seigniorie or Township) of *(if any of the signers make their marks instead of signing their names, add,)* and that the said Petition was read over distinctly and explained to those of the said signers who have made their marks thereto instead of signing their names."

(Signature,) M. N.

Attestation.

"Sworn before me, one of Her Majesty's Justices of the Peace for the County of *(insert name)* by M. N., (*trade, profession or quality*) who is personally known to me as a Municipal Elector of the Parish (Seigniorie or Township) of *(insert name)* and as a person worthy of credit, at this day of *(insert name)* one thousand eight hundred and fifty-*(insert year)*."

O. K.

J. P.

And

And if any signature be not so attested, it shall not be counted in ascertaining the number of persons signing such Petition; Provided always, that the signatures of different signers of any Petition may be attested by different witnesses, and any number thereof may be attested by one witness, and that the mark of any person attested as aforesaid shall be counted as a signature.

Unattested signatures not to be counted. Proviso.

C A P . C C I I I .

An Act to regulate the proceedings in cases of Voluntary Licitation.

[Assented to 14th June, 1853.]

WHEREAS the formalities required in cases of voluntary licitations cause inconvenience, delay and expense to parties interested: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever it shall be intended to sell or otherwise alienate the real estate of minors or of any other person whose real estate can only be sold or otherwise alienated according to the formalities by law required for the sale or other alienation of the real estate of minors, the Notary, before calling a meeting of the relations and friends for that purpose, in conformity with the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-eight, shall cause two *experts* to be appointed who shall not be related to any of the parties or to their legal representatives, or interested in the matter in question, (mention whereof shall be made in the Deed of *Expertise*,) one of which *experts* shall be appointed by the tutor, and the other by the *subrogé* tutor of the minors, (or in the case of the real estate of any other person, subject to the same formalities as provided by law for the real estate of minors, one *expert* shall be appointed by the curator to such person, and the other by one of the relations nearest of kin to, or appearing to be most interested in such person,) of which appointment an *Acte* shall be drawn up before Notaries in the form of Schedule A; to which *experts* any Notary shall, by this Act, be authorized to administer the oath according to law, which oath shall be taken (in the form of Schedule B) by the said *experts*, before entering upon their duties; it shall then be the duty of the said *experts* to proceed to ascertain the value of the real estate in question, and if the sale thereof shall be required on account of indivisibility, they shall also proceed to ascertain whether it cannot be conveniently divided, and shall

Preamble.

Appointment of *experts* to ascertain the value of the real estate to be sold or alienated.

Mode of appointment.

How to be sworn.

Their duty.

Report.

shall

Meeting of relations and friends.

Proceedings thereat, and *Acte* thereof.

shall make their report thereon by *Acte* before Notaries, delivered *en Brevet*, in the form of Schedule C ; it shall thereupon be lawful for any Notary to summon before him the relations and friends who are to compose the said meeting ; he shall administer the usual oath to the persons present at such meeting, and shall read to them the contents of the *Acte* of declaration of the persons requiring such meeting, and the contents of the *Acte* of *Expertise* aforesaid, and shall take their advice, and prepare an *Acte* in the form of Schedule D, mentioning therein the names and the age of the minors, the degrees of relationship, the quality and residences of the persons composing such meeting, and giving therein a description of the real estate.

Proceedings to be transmitted to Judges for homologation : with petition.

If the Judge homologates.

And if he refuses so to do.

II. The Petitioner shall transmit to the Judges of the Superior Court, or the Judges of the Circuit Court, all the originals of the proceedings above mentioned and submit them with a Petition (which every Notary is hereby authorized to certify in the usual manner) setting forth succinctly the object and purpose of the said proceedings without any special designation whatever, in order that the same may be homologated, if they ought so to be, which Petition shall be in the form of Schedule E : if the Judge to whom such proceedings shall be submitted, homologates the *avis de parents*, he shall place his *Acte* of homologation and ordinance in the form heretofore made use of in like cases, at the foot of the *Acte* containing the *avis de parents*, and the whole shall be deposited with the other proceedings in the Archives of the office of the Court, in order that copies thereof may be given to parties entitled thereto ; and if the Judge to whom the proceedings in question are referred shall think proper to refuse to homologate them, he shall state his reasons for so doing at the foot of the Petition, and shall affix his signature thereto.

To apply to L. C. only.

III. This Act shall apply to Lower Canada only.

SCHEDULE A.

On the _____ day of _____ in the year one thousand eight hundred and _____, at _____ o'clock in the _____ noon, before the undersigned Public Notaries for Lower Canada, residing in the District of _____ came and appeared A, residing _____ of the one part, and B, residing _____ of the other part, who have appointed, that is to say, the said A _____ the person of _____ and the said B _____ that of _____ as *Experts* for the purpose of proceeding to the inspection of the real estate belonging to _____ described in the declaration made by the said _____ by *Acte* before *Mtre.* _____, Notary, (or one of the undersigned Notaries,) to ascertain the value thereof, (and if the sale is demanded on account of indivisibility) and whether or not it can conveniently be divided.

SCHEDULE

SCHEDULE B.

I, _____ and I, _____, do make oath and swear that I will faithfully proceed to the performance of what is required of me by the *Acte* of my appointment, executed before *Mtre.* _____, Notary, and his Colleague, on the _____ and that I will make a true report of my opinion on the whole matter, without favor or partiality for any of the parties interested in the matter in question. So help me God.

Sworn before us the undersigned Notaries.

SCHEDULE C.

On the _____ day of _____ in the year one thousand eight hundred and _____ at _____ o'clock in the _____ noon, before me the undersigned Public Notary for Lower Canada, residing in the District of _____ came and appeared _____ the *experts* appointed by the *Acte* above executed by the undersigned Notaries, on _____ who declare that having previously made oath as appears by the Certificate hereunto annexed, they proceeded on the _____ day of _____ to the inspection of the real estate, appurtenances and dependencies mentioned and described in the declaration of _____ received by *Mtre.* _____, Notary, the _____, and after due examination and obtaining every information necessary for the purposes mentioned in their said *Acte* of appointment, they value and estimate the said real estate, _____ (*if there be several immovables, they should be valued separately,*) and further, (*if the sale is made on account of indivisibility*) they declare that it cannot conveniently be divided.)

The said *experts* further declare that they are not related to the parties interested in the matter in question, nor to their legal representatives.

Acte whereof is delivered *en Brevet* at _____

SCHEDULE D.

On the _____ day of _____ in the year one thousand eight hundred and _____ at _____ o'clock in the _____ noon, before me, the undersigned Notary Public for Lower Canada, residing in the District of _____, came and appeared _____, who affirms that in conformity with the declaration made by *Acte* before *Mtre.* _____, Notary, bearing date the _____, for the purpose of obtaining authority to sell, for the reasons therein set forth, the real estate belonging to _____, therein designated and described as follows, to wit: (*here describe the real estate*) he did for the said purpose cause to be summoned before us, to wit: _____ in default of relations,

requiring us, they being present, to receive their advice as to the contents of the *Acte* of declaration aforesaid, and the parties above named having appeared, we have caused to be read the said *Acte* of declaration, the report of the *experts* made before *Mtre.* , Notary, and his colleague, and have taken and received from them the necessary oath, and such oath having been made, they have all unanimously declared that they are of opinion that

(Should there be a division of opinion, mention the same, and give the reasons therefor.)

SCHEDULE E.

PROVINCE OF LOWER CANADA, }
DISTRICT OF }

To the Honorable the Judges of the Superior Court (or the Judge of the Circuit Court,) &c., &c., &c.

A. (*addition and place of residence*) humbly represents, that he has caused the relations and friends to be consulted by *Mtre.* , Notary, at on the day of , and has caused to be fulfilled all the proceedings by law required to be had in order to and submitted for your approval. And he therefore prays that your honors will take these proceedings into consideration and homologate them, if they ought to be so homologated, and you will do justice.

At the one thousand eight hundred

C A P . C C I V .

An Act to repeal the Law *Æde*.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Law *Æde*, as adopted from the Roman Law into the Law of Lower Canada, whereby the landlord or proprietor may go into possession of the house leased and evict his tenant therefrom before the expiration of the term of lease, for the purpose of occupying himself the premises, is not consistent with justice or expediency, and ought to be repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so far as respects the right mentioned in the Preamble, the said Law *Æde* be and the same is hereby repealed; and

The Law
Æde repealed

and that henceforward it shall not be competent to any land-lord or proprietor, upon any lease hereafter to be made, to evict his tenant under or by any such Law for the cause aforesaid, unless the said right has been expressly reserved by the lease, and in that case at least one month's previous notice shall be given, unless it be otherwise stipulated in the said lease.

to a certain extent.

C A P . C C V .

An Act to amend the Act fourteenth and fifteenth Victoria chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS it is necessary and expedient to amend an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire the possession thereof when illegally detained from them in certain cases*, and to make other and further provisions of law touching the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in any action instituted under the provisions of the Act herein first above cited, before any Circuit Court, Circuit Judge in Vacation, or Judge of the Superior Court in Vacation, it shall and may be lawful for the Defendant or Defendants in any such suit or action, at his or their option and choice, before making defence to such suit or action, to evoke the said suit or action to the Superior Court at its next ensuing Sitting within the District where such suit or action is commenced; and immediately upon the filing of such evocation, by any Defendant or Defendants, and upon security being given as hereinafter provided, the record and proceedings shall forthwith be transmitted to the said Superior Court holden within the District where such suit or action has been so commenced, to be by the said Superior Court heard, tried and determined according to the course and practice of the said Superior Court.

Preamble.
14 & 15 V.
c. 92.

Defendant in any case under the said Act may, before defence, evoke such case to the Superior Court.

Transmission of Record, &c.

II. And be it enacted, That in any such case of evocation of any suit or action, the Defendant or Defendants filing such evocation shall be held, within eight days from the filing thereof, to give good and sufficient security for the costs to be incurred by the Plaintiff or Plaintiffs in conducting such suit or action to final Judgment; and a recognizance duly entered into by two sureties, each of whom shall be a proprietor of real property

Security to be given for costs.

What shall be sufficient security.
How it shall be given.

property of the value of Twenty-five Pounds currency, above all incumbrances, shall be sufficient; and such security may be taken by any Judge of the Superior Court or the Prothonotary of the said Court, or before any Circuit Judge or the Clerk of the Circuit Court, and the said Judges, Prothonotaries or Clerks are hereby empowered to administer all necessary oaths to persons becoming such sureties, and it shall not be necessary to give notice to the party Plaintiff, of the putting in of such security; Provided, however, that if the security required by this Section be not furnished within the delay prescribed, the right of evocation before trial and *enquête* shall be forfeited.

Proviso.

Plaintiff may at the same time demand issues and profits, and damages.

Jurisdiction given.

III. And be it enacted, That in any action to be instituted under the provisions of the Act herein first above cited, it shall and may be lawful for the party Plaintiff in such suit or action, to demand such sum or sums of money as he or they may be entitled to by law, for rents, issues and profits, *fruits et revenus*, as well as for damages for the illegal detention of such property; and any Circuit Court, Circuit Judge in Vacation or Judge of the Superior Court in Vacation, shall and may have, hold and exercise jurisdiction over the said demand for rents, issues and profits, *fruits et revenus*, whatever be the sum demanded.

Defendant may demand sums due to him for improvements.

IV. And be it enacted, That in any suit or action instituted under the provisions of the Act herein first above cited, before any Circuit Court, Circuit Judge in Vacation, or Judge in the Superior Court in Vacation, it shall and may be lawful for any Defendant or Defendants in any such suit or action, in addition to any other defence which he, she or they may have to such suit or action, to plead and demand, by incidental cross-demand, any and all such sum or sums of money as he, she or they may be entitled by law to have and demand for improvements, buildings and ameliorations made upon the Real Property sought to be recovered in and by such suit or action; and any such Circuit Court, Circuit Judge in Vacation, or Judge of the Superior Court in Vacation, shall have, hold and exercise jurisdiction over any such incidental cross-demand for ameliorations, buildings and improvements, whatever may be the amount claimed thereby.

Jurisdiction given.

Defendant may appeal to Superior Court, notwithstanding any thing in s. 5 of the said Act, giving security.

V. And be it enacted, That notwithstanding any thing contained in the fifth Section of the Act herein first above cited, it shall and may be lawful for any Defendant or Defendants to appeal from any Judgment rendered by any Circuit Court, Circuit Judge in Vacation, or Judge of the Superior Court in Vacation, under the said Act or this Act, to the Superior Court sitting in the District where such suit or action shall have been originally instituted, upon giving good and sufficient security as prescribed in the said Section, effectually to prosecute the appeal and pay all costs as well in the Court below as in the said Superior Court, if the Judgment appealed from should be affirmed.

VI. And be it enacted, That in actions instituted under the above cited Act prior to the passing of this Act and in which issue has not been joined prior to the passing of this Act, it shall be lawful for the Plaintiff, within two months after the passing of this Act, to take other special conclusions in and by his declaration for *fruits et revenus* and for damages for the illegal detention of the property sought to be recovered, and in such cases the Plaintiff shall be bound to serve such special conclusions upon the defendant or his attorney, and the defendant shall have the same delay to plead to the action after the filing of such special conclusions as he is now entitled to have after the return of any action instituted under the said Act when no such special conclusions are filed, and such defendant may plead any matter of defence or incidental demand which he might have pleaded if such action had been instituted in the Superior Court.

Provision as to actions already commenced but in which issue has not been joined.

C A P . C C V I .

An Act to amend and explain the Ordinance concerning the Registration of Hypothecs in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS the Ordinance of the Special Council of the heretofore Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, real or immoveable Estates and of charges and incumbrances on the same, and for the alteration and improvement of the Law in certain particulars in relation to the Alienation and Hypothecation of real Estates and the rights and interest acquired therein*, and the several Acts of the Legislature of Canada amending the said Ordinance, do not contain any enactments with respect to the cancelling of registrations having no foundation in law, or based upon Deeds conferring no legal title, privilege or hypothec on real or immoveable property, or based upon Deeds invalid, irregular, extinguished, acquitted and paid, or when the rights of privilege or hypothec have been removed by legal proceedings; And whereas the absence of an enactment of this nature involves heavy and serious disadvantages, and for other purposes hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever a creditor or person claiming to be so, shall have registered, in conformity with the formalities required by the Ordinance and Acts above mentioned, against the property

Preamble.

Ord. 4 V. c. 3.

An action shall lie for cancelling any entry in the

property

Books of a Register, which ought to be cancelled and for the cancelling whereof the Defendant will not do what may be requisite on his part.

property of the debtor or person claimed to be so, any right, privilege or hypothec whatsoever, which he shall claim to possess against the property of such debtor, and the Deed upon which the right, privilege or hypothec shall be based, shall not be founded in law, or shall not legally confer any right or privilege or hypothec upon immovable property, or shall be irregular, invalid, extinguished, acquitted and paid, or such right of privilege or hypothec shall have been removed by legal proceedings, and such creditor having been duly required thereto by such debtor, shall refuse to consent to the cancelling of the registration by him of such claim against the property of such debtor, the latter may thereupon by action brought before any competent Court of Civil Jurisdiction in the District in which the real property or any part thereof charged with such right, privilege or hypothec by virtue of the said registration, shall be situate, demand that the claim so registered be, according to the circumstances of the case, either declared null and to confer in law no right, privilege or hypothec on the property of the plaintiff, or null, irregular, unfounded in law, extinguished, acquitted and paid, or removed by legal proceedings, and that the registration of the said Deeds and any entry relating thereto, made in the office of the Register of the County in which such real property affected by such registration shall be situated, be cancelled in the registers of the said Register; and upon satisfactory proof of the allegations contained in the declaration, the Court shall grant the prayer of the plaintiff with costs against the defendant, as well those incurred in the action as in effecting such cancellation, and if the allegations be not proved to the satisfaction of the Court the action shall be dismissed with costs: Provided always, that an authentic copy of the Judgment ordering the cancellation shall be served in the usual manner upon the defendant at his domicile.

Judgment in such action.

Proviso.

Register to cancel the entry in obedience to the judgment.

II. And be it enacted, That the Register of every County in whose office such registration shall have been made, or his Deputy, upon production to him of a copy duly certified by the Clerk of the said Court, of the judgment ordering the cancellation of the said registration, and a Certificate that the delay to appeal from the judgment has expired, shall proceed to the cancellation thereof in the manner provided by the said Ordinance, for the cancellation of hypothecs discharged or paid, subject to the penalties imposed by the said Ordinance.

To what cases the foregoing clauses shall extend.

III. And be it enacted, That the foregoing enactments shall extend equally to registrations made before or after the passing of this Act.

Recital of doubts.

IV. And whereas doubts have arisen as to the interpretation of the said Ordinance with respect to the obligation of a *baillieur de fonds*, to register the Deed creating or constituting the privilege of *baillieur de fonds*, in the manner prescribed by the first and fourth sections of the said Ordinance, relative to the registration

registration of hypothecary, privileged or judgment claims: And whereas to ensure every possible efficacy to the publicity of hypothecs it is expedient to remove these doubts; Be it declared and enacted, and it is hereby declared and enacted, That by the terms of the said Ordinance, the *bailleur de fonds* shall be bound in conformity with the requirements of the said Ordinance, to register the Deed creating or constituting his right of *bailleur de fonds*, in the manner prescribed by the said Ordinance, and by the Acts amending the said Ordinance, with respect to the registering of hypothecary, privileged or judgment claims.

Bailleur de fonds declared bound to register.

V. And be it enacted, That from and after the passing of this Act, any *bailleur de fonds* whose claim shall have been created after the passing of this Act, shall be bound, in all respects, to register his said claim in the same manner as other hypothecary, privileged or judgment creditors are bound to do by virtue of the requirements of the said Ordinance, within the period of thirty days from the date of the passing of the Act creating his right of *bailleur de fonds*.

Delay allowed for registration after the passing of this Act.

VI. And be it enacted, That every *bailleur de fonds* whose right of title of *bailleur de fonds* have been acquired subsequent to the operation of the said Ordinance, who shall not at the date of the passing of this Act, in conformity with the requirements of the said Ordinance and of the Acts amending the said Ordinance, have registered the Deed creating or constituting his right of *bailleur de fonds*, shall be bound to register the same within a period of six months from and after the passing of this Act, and failing so to do, such right of *bailleur de fonds* shall be null and of no effect whatever, with respect to any subsequent purchaser, donee or hypothecary, privileged or judgment creditor, for or upon good and valuable consideration, as provided by the said Ordinance: Provided always, that nothing in this section shall be construed to affect or extend to the judgments of the Civil Courts in Lower Canada which have by their judgments decided that the *bailleur de fonds* was not bound to register the Deed establishing his right of *bailleur de fonds*; and Provided also, that nothing in this section contained shall in any way affect the rights of parties who shall not have registered their claims of *bailleur de fonds*, until the expiration of the delay allowed for the registration of such claims, but such rights shall, until the expiration of the delay fixed as aforesaid, have the same force and effect as if this Act had never been passed.

Delay allowed for registration of claims of *bailleur de fonds* created before the passing of this Act.

Proviso: not to affect judgments already given.

Proviso: not to affect any such claim until after expiration of delay.

VII. And whereas by the Twenty-eighth Section of the above recited Ordinance, it is amongst other things ordained and enacted, That from and after the day on which the said Ordinance shall come into force, no general hypothec shall be stipulated in, or constituted by, or result from any Deed, Contract or Obligation in writing whatsoever, to be thereafter made and entered

Recital of s. 28 of said Ordinance.

entered into, and that no conventional hypothec, charge or incumbrance on lands, tenements or hereditaments, real or immoveable estates, should from and after the day last aforesaid, namely, since the operation of the said Ordinance, be constituted or acquired in or by virtue of any Deed, Contract or Obligation in writing, which should be executed or made after the said day, according to law, unless the sum of money intended to be secured by such hypothec, charge or incumbrance should be, in the same Deed, Contract or Obligation in writing, or the acknowledgment thereof, specified, and that no such hypothec, as last aforesaid should be constituted or acquired for any other purpose than for securing the payment of a sum or sums of money specially mentioned as aforesaid: Be it enacted, That the said section has not applied, and shall not be construed to apply, and shall not apply to donations made *inter vivos* subject to life rents, payable in kind and appreciable in money, or to any description of charges and obligations appreciable in money, and that the registration of such Deeds executed in the form prescribed by the laws in force in this Province, and as hereinbefore mentioned, has preserved and shall preserve to persons interested therein all hypothecary claims and rights of *bailleur de fonds*, to the extent of the sum equivalent to the life rents and other charges and obligations appreciable in money, specified and stipulated in the said donations, in the same manner as if the said life rents and other charges and obligations had been and were estimated in money, by and in the said Deeds of donation, at the amount of the value to be estimated in money of the said life rents and other charges and obligations.

The said s. 28 not to apply to donations *inter vivos* subject to life rents, or charges appreciable in money.

Punishment of persons pretending to hypothecate property to which they have no claim.

VIII. And whereas no provision is made by the Ordinance aforesaid, with respect to the punishment of persons hypothecating, or who shall hereafter hypothecate immovable property or rights, representing themselves to be proprietors thereof, or pretending to be such proprietors, or to possess claims thereto, and great inconvenience and frauds have resulted therefrom which have hitherto remained unpunished: Be it therefore enacted, That whoever shall pretend to hypothecate any real property or properties, of which he shall not be the proprietor, and to which he shall have no legal title, shall be guilty of misdemeanor, and being duly convicted thereof shall be liable to be imprisoned for a period not exceeding twelve calendar months, and to the payment of such fine and penalty not exceeding Twenty-five Pounds current money of this Province, as the Court before which such conviction shall take place, shall think proper to adjudge, and the proof of the ownership of the real property or claim shall rest with the person who shall as aforesaid have pretended to hypothecate the same.

Sect. 35 of the said Ordinance to

IX. And be it enacted, That notwithstanding any thing in the Thirty-fifth Section of the Ordinance cited in the Preamble to this Act, the said Section and the provisions thereof, and each

each and every one of them, shall after the passing of this Act, extend to and have force and effect not only in the case therein mentioned of the sale and alienation of lands and tenements, real or immovable, held in Free and Common Soccage or *en fief*, or *à titre de cens* or *franc-alleu*, or under any other tenure whatever which shall or may be subject or liable to legal or customary dower, but shall extend to and have force and effect in every case in which the husband shall bind, mortgage or hypothecate such lands and tenements, real or immovable Estate held in Free and Common Soccage or *en fief*, or *à titre de cens* or *franc-alleu*, or under any other tenure; and in any Deed or Conveyance which may be made by any husband by which such lands and tenements are so bound, mortgaged or hypothecated for or by reason of a loan, or for any other cause whatsoever, it shall be lawful for any married woman to join with her husband in such Deed, and release her dower and right to dower in the same manner and to the same effect as she is authorized to do by the said thirty-fifth Section above cited in the case of sale or alienation of lands and tenements as aforesaid.

apply not only to cases where the husband shall sell, but to those also where he shall hypothecate his property.

C A P . C C V I I .

An Act to repeal so much of the Act providing for the Optional Commutation of the Tenure of Lands in the Fiefs and Seigniories of Lower Canada, as allows the commutation of the right of *lods et ventes* without the commutation of the other Seigniorial rights on the same lands.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to repeal the provision of the Act hereinafter cited which provides for the commutation of the right of *lods et ventes* without commuting the Tenure of the land on which such right subsists: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the twenty-third Section of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act the better to facilitate Optional Commutation of the Tenure of Lands en rôtture in the Seigniories and Fiefs of Lower Canada into that of Franc-Alleu Roturier*, shall be, and the said Section is hereby repealed.

Preamble.

Sect. 23 of 8 V. c. 42 repealed.

CAP. CCVIII.

An Act to amend the School Laws of Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

12 V. c. 50.

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada*, so as to provide more effectually for removing the difficulties which sometimes arise with respect to the election of School Commissioners in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, any School Commissioner whose election shall have been obtained by fraud or stratagem, or by the votes of persons not qualified as electors, contrary to the intention of the Act cited in the Preamble of this Act and of the Act thereby amended passed in the ninth year of Her Majesty's Reign and chaptered twenty-seven, or any person usurping the functions of School Commissioners, or illegally holding that office, is and shall be liable to be summarily prosecuted at the instance of any party interested or of several collectively interested, before one or more Judges of the Circuit Court, or one of the Judges of the Superior Court for Lower Canada in the Circuit or District respectively in which such election, usurpation, or illegal detention of office, shall or may have taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant.

Mode of proceeding against any person illegally holding the office of School Commissioner, for the purpose of declaring such detention illegal.

Proceedings to be regulated by 12 V. c. 41.

II. For all the purposes of the next preceding Section of this Act, the procedure to be adopted shall be that prescribed by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of corporate rights and to Writs of Prerogative, and for other purposes therein mentioned.*

How the vacancy, if declared, shall be filled up.

III. In case the office shall be declared vacant, or a legal election shall not have been had, thereby preventing the operation of the School Laws, it shall be lawful for the Superintendent of Education for Lower Canada to appoint School Commissioners to fill the vacant office, or to replace those who shall have been illegally elected.

C A P . C C I X .

An Act to establish a Board of Examiners of School Teachers in certain Districts in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS all the School Teachers in Lower Canada are now required to submit to an examination before a Board of Examiners: And whereas only two Boards have been established for the examination of such School Teachers, which hold their meetings in the Cities of Quebec and Montreal, and in consideration of the great distance which the School Teachers of other Districts have to travel in order to attend the meetings of the said Boards at Quebec and Montreal, and the difficulty of communication with these Cities, it is expedient to establish other Boards of Examiners as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the first day of July next, there shall be established in the Districts of Kamouraska, Gaspé, St. Francis, Three-Rivers and Ottawa, Boards of Examiners for the examination of School Teachers.

Preamble.

Boards of Examiners established in certain Districts.

II. And be it enacted, That the said Boards of Examiners shall be composed of seven persons, respectively, who shall be appointed by the Governor on the recommendation of the Superintendent of Public Education, and shall constitute Boards of Examiners, by the name of "The Board of Examiners of (*adding the name of the District*)."

How such Boards shall be composed.

III. And be it enacted, That the said Boards shall hold their meetings in any of the following Districts at the places hereinafter provided, namely: in the District of Kamouraska, in the Parish of St. Louis de Kamouraska, at the Court House, for the said District; in the District of Gaspé, at Percé; in the district of Three-Rivers, at the Town of Three-Rivers, in the Court House; in the Ottawa District, at Aylmer, in the Court House, at Aylmer: Provided always, that in the District of St. Francis, there shall be two Boards of Examiners, one for the County of Sherbrooke, to be called "The Sherbrooke Board of Examiners," who shall hold their meetings at the Town of Sherbrooke, and the other for the County of Stanstead, to be called "The Stanstead Board of Examiners," who shall hold their meetings in the Township of Stanstead, the said two Counties remaining as they were before the passing of the Act to increase the representation; and the said Boards of Examiners shall be governed by the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled,

Meeting of the said Boards.

Proviso: two Boards in the District of St. Francis.

Boards to be governed by 9 V. c. 27.

An

An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada.

Boards may
refuse Cer-
tificates.

IV. And be it enacted, That the said Boards shall, under the provisions made in the Act last above cited and other Acts defining the duties and powers of such Boards of Examiners, have power to grant or refuse Certificates or Diplomas to such School Teachers of the Districts aforesaid, as shall present themselves for examination before the said Boards.

C A P . C C X .

An Act to amend the Act intituled, An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to amend the Act hereinafter mentioned in certain particulars : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in the sixth Section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture*, the Justice of the Peace to whom any complaint shall be made as in the said Section provided, before commanding the Road Surveyor to proceed to assess the damages, shall summon the parties before him, and if, after hearing the parties the Justice shall deem it advisable, then such Justice shall command the Road Surveyor to assess the damages, and shall proceed thereafter as in the said Section it is provided : but if after hearing the parties such Justice shall determine that no damage has been caused, then he shall dismiss the case, with costs against the complainant.

Sect. 6 of 13
& 14 V. c. 40
amended.

Justice to
summon and
hear parties
before order-
ing damages
to be assessed,
&c.

Sect. 31 of
said Act
amended.

Persons inte-
rested in any
water course
verbalized,
may elect one

II. And be it enacted, That for and notwithstanding any thing to the contrary in the thirty-first Section of the said Act, it shall be lawful for the persons interested in the *Procès-Verbal* of any water course, as mentioned in the said Section, to meet in any year, on the requisition of any one of themselves, at the time and place appointed for the annual election of Municipal Officers, and then and there to elect one of themselves to be
Overseer

Overseer of the work to which such *Procès-Verbal* relates ; or if it concerns more than one Parish, Township or place, then to elect one of themselves as such Overseer for each such place : Provided always, that any person interested in such *Procès-Verbal* may be elected, although he may reside out of the limits of such Parish, Township or place ; each Overseer so elected shall serve until another shall be in like manner elected in his stead ; and the person presiding at the meeting at which such election shall take place, shall transmit the name or names of the person or persons elected to the Council of the Municipality, to make part of the records thereof.

of themselves as Overseer.

Proviso : who may be elected.

Term of service, &c.

III. And be it enacted, That for and notwithstanding any thing to the contrary in the thirty-ninth Section of the said Act, any one or more of the persons interested in any *Procès-Verbal* in the said section referred to, may demand a change in the work regulated thereby, provided such demand be supported by the affidavits of two Surveyors or Overseers for the Parish or Township, not interested in the matter, to the effect that in their opinion the regulations made concerning such work by the *Procès-Verbal* ought to be changed in the manner to be set forth in such affidavits, in which case such change may be made in like manner as if two thirds of the persons interested had demanded the same, as in the said Section it is provided.

Sect. 39 of said Act amended.

Persons interested in any *Procès-Verbal* may demand a change in the work thereby regulated, and how.

IV. And be it enacted, That for and notwithstanding any thing to the contrary in the fortieth Section of the said Act, the party deeming himself aggrieved by any *Procès-Verbal*, instead of laying his complaint before some other Justice of the Peace, as provided by the said Section, shall lay the same before the Justice of the Peace to whom the *Procès-Verbal* is to be presented for homologation, who shall not thereafter proceed to consider or to homologate the said *Procès-Verbal*, except with the assistance of some other Justice of the Peace qualified according to law to determine upon the matter, and whose concurrence shall be necessary to the homologation of such *Procès-Verbal* ; and if a difference of opinion shall arise between the said two Justices of the Peace, they shall adjourn the proceedings to a subsequent day, in order to obtain the assistance of a third Justice of the Peace, and hear the parties *de novo*.

Sect. 40 of said Act amended ; appeal against a *Procès-Verbal* how to be made and heard.

If the two Justices differ.

C A P . C C X I .

An Act to remove doubts with respect to the proper Courts of Review for Appeals from By-laws of the Municipal Councils, and to amend the Municipal Laws of Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS doubts have arisen with respect to the true meaning of that portion of the seventh section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Laws relative*

Preamble.

12 V. c. 38.
to

to the Courts of Original Civil Jurisdiction in Lower Canada, by which it is enacted, that all appeals from any inferior Court or jurisdiction which immediately before the time that the said Act should come into force, should lie to any one of the several Courts of Queen's Bench, should thereafter lie to the Superior Court established by the said Act, in so far as the same relates to appeals from By-laws passed by Councils of Municipalities situate within the local jurisdiction of the said Courts of Queen's Bench, in the Inferior Terms thereof respectively, which said Inferior Terms were abolished by the said Act, and to which said Inferior Terms, such appeals lay at the time that the said Act came into force; And whereas the Circuit Court established under the provisions of the said Act, in the room and place of the said Inferior Terms, has been since the said Act came into force, and still is the proper Court of Review for hearing and determining all appeals from such By-laws of the said Councils of Municipalities in which such Circuit Court sits, in the said manner and with the same powers as were, at the time that the said Act came into force, possessed and exercised by the said Inferior Terms, and in the same manner and with the same powers as the Circuit Court sitting at other places in Lower Canada since the said Act came into force, has exercised the powers of a Court of Review within its jurisdiction, when sitting at such places respectively in relation to such appeals: And whereas it is expedient to remove such doubts: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the Circuit Court for Lower Canada, established under the provisions of the Act hereinbefore first cited, when sitting at places where it is substituted in the place and stead of the several Courts of Queen's Bench in the several Districts of Lower Canada, in the Inferior Terms of the said Courts respectively in the said Act mentioned, has always been, since the said Act hereinbefore first cited came into force, and now is the proper Court of Review for the hearing and determining of appeals from By-laws of the Councils of Municipalities in which such Circuit Court holds its sittings, or which are comprised within the Circuits for which such sittings are respectively held, in as full and ample a manner, and with the same powers and under the same provisions as the Circuit Court for Lower Canada sitting at other places hears and determines as a Court of Review, such appeals within its jurisdiction.

Circuit Court declared the proper Court of Review in every part of Lower Canada.

Recital.

II. And whereas injustice would arise unless provision were made to preserve the rights of parties who, under the true intent

intent and meaning of the said Act hereinbefore first cited, presented within the delay required by law, their petitions to the Circuit Court established as aforesaid in the room and place of the said several Courts of Queen's Bench, in the Inferior Terms thereof respectively, appealing from any By-law of the Councils of Municipalities which, since the Act hereinbefore first cited came into force, became and are situate within the local jurisdiction of such last mentioned Circuit Court: Be it therefore enacted, That it shall be lawful and competent for any person interested in the matter of any By-law passed subsequently to the first day of December, one thousand eight hundred and fifty-one, by any Council of a Municipality situate within the local jurisdiction of the Circuit Court as in established as aforesaid in the room and place of the said Courts of Queen's Bench in the Inferior Terms thereof respectively, and deeming himself aggrieved thereby, to appeal therefrom, within fifteen days after the passing of this Act, to the Circuit Court sitting in the Circuit within which such Municipality is situate by reason of the said Inferior Terms having been so as aforesaid abolished, notice of which appeal shall be given to the said Council of such Municipality within the said fifteen days; and if there should be no sitting of the Circuit Court held in such Circuit within the said delay of fifteen days, then such appeal may be lodged in the Office of the Clerk of the Court for such Circuit within the said delay, and may be presented to the Court on the first day that such Court shall sit in such Circuit after the expiration of the said delay, and proceedings shall be had thereon to trial and judgment as to law and justice appertain: Provided, however, that the provisions of this section shall extend only to any person who being interested in the matter of such By-law, and deeming himself aggrieved thereby, may have filed in the Circuit Court before the passing of this Act, and within the delay by law allowed, a petition in appeal from such By-law so passed subsequently to the said first day of December, one thousand eight hundred and fifty-one: And the provisions of this section shall extend to any such person who shall have so appealed, notwithstanding any judgment rendered on any such petition on the ground of want of jurisdiction in such Circuit Court; but not when judgment shall have been rendered on any other ground.

Persons aggrieved by any By-law passed since 1st Dec. 1851, any place where the Circuit Court sits in the place of the late Inferior Term of Q. B. may appeal within 15 days after the passing of this Act.

Proviso: this section limited to persons who have already filed petitions in appeal, &c.

III. And whereas by reason of the doubts which have so arisen as aforesaid, it is just to provide for cases now pending in the Superior Court on appeals from any such By-laws; Be it therefore enacted, That in so far as regards all cases now pending and undetermined in the Superior Court on appeals from any such By-laws, such other and further proceedings shall be had therein to trial and judgment in such Superior Court as though the same had been instituted in, and were now legally pending before any Circuit Court.

Recital.

Appeals pending in Superior Court to be continued.

Act to extend only to By-laws from which an appeal is now allowed.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend to allow an appeal from any By-law of any such Council of a Municipality other than from a By-law of any such Council, from which an appeal could be made previous to the passing of this Act.

Recital of s. 17 of Act 14 & 15 V. c. 98.

V. And whereas by the seventeenth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act further to amend the Municipal Laws of Lower Canada*, it is enacted, That if any Council deem it necessary to cause a front road to be made on any property through which a front road already passes, such second front road shall not be made at a distance less than one mile from that already existing, except with the consent of the owner of such property, and unless the costs of opening and keeping up such front road be defrayed by the parties requiring such road; And whereas the increase of population and the necessities of certain localities require certain alterations in the provisions of the said Section; Be it therefore enacted, that the said Section shall be and is repealed, and that any Municipal Council may, on the requisition of the majority of the parties interested, order any front road to be opened or its position to be changed, as may be just and necessary for the benefit of all parties concerned.

The said sect. repealed and other provision made.

Extent of Act. VI. And be it enacted, That this Act shall extend to Lower Canada only.

C A P. C C X I I .

An Act to regulate Ferries beyond the local limits of the Municipalities in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to make more efficient provision for the regulation of ferrymen, and persons conveying passengers for hire across the several rivers and waters of Lower Canada and the Licensing of Ferries, not within the local limits of any Municipality: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That an Ordinance passed by the Legislature of the late Province of Quebec, in the seventeenth year of the reign of His Majesty King George the Third, intituled, *An Ordinance empowering the Commissioners of the Peace to regulate the prices to be paid for the carriage of Goods and the passage of Ferries, in the Province of Quebec*; an Ordinance of

Ordinances of L. C.

17 G. 3, c. 12.

of the Legislature of the late province of Lower Canada, passed in the second year of Her Majesty's Reign, intituled, *An Ordinance for the better regulation of Ferrymen, and others conveying persons for hire across the Rivers and Waters of this Province*, and all such parts of any other Ordinances or Acts of the Legislature of either of the said late Provinces, or of this Province, inconsistent with or repugnant to the provisions of this present Act, shall be and the same are hereby repealed; except in so far as relates to any Ferry License granted under the authority of any such Acts or Ordinances, which shall remain in force, and except as to any penalty or forfeiture incurred under them or any of them, which may be recovered, as if this Act had not been passed.

2 V. c. 13.

And all other laws inconsistent with this Act repealed.

Exception.

II. That from and after the time when this Act shall come into force, no person shall act as a ferryman, or shall convey, or cause to be conveyed by any one in his service, any person across any river, stream, lake, or water within Lower Canada and not wholly within the local limits of any Municipality thereof, without having received a license under the hand of the Governor of this Province, for the time being, or of some person by him duly authorized to that effect, to keep a ferry across any such river, stream, lake or other water, for a certain time, at a place and within limits, to be designated in such license,—nor shall the person having received such license, so act as a ferryman, or so convey, or cause to be conveyed, any person for hire, at any place to which such license shall not extend, or beyond the limits mentioned therein, under a penalty of Five Shillings currency, for each person so conveyed contrary to the provision of this Act; and of such further penalty as may be fixed by any regulations to be made in the manner hereinafter provided.

No person to act as Ferryman on any water in L. C. not wholly within one Municipality, without license from the Governor.

Penalty.

III. It shall be lawful for the Governor in Council to make, and from time to time to repeal or alter such regulations, as he may deem expedient, for any of the following purposes, that is to say:

Governor to make regulations.

Firstly. For establishing the extent and limit of all such Ferries or of any of them.

Extent.

Secondly. For defining the manner in which, the conditions (including any duty or sum to be paid for the license,) under which, and the period for which, licenses shall be granted in respect of all such Ferries, or any one or more of them.

Licenses.

Thirdly. For determining the size and description of the vessels to be used on any such Ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels.

Vessels.

Tolls.

Fourthly. For fixing the Tolls or Rates at which persons and chattels shall be carried over such Ferries, and the manner and places in which such Tolls or Rates shall be published or made known.

Enforcing Tolls.

Fifthly. For enforcing the payment of such Tolls or Rates by the persons carried, or for whom chattels shall be carried, over such Ferries.

Conduct, hours, &c.

Sixthly. For regulating the conduct of persons holding licenses in respect of such Ferries, and for fixing the times, and hours and parts of hours, during and at which vessels employed on such Ferries shall cross and recross, or depart from either side of any such Ferry, for that purpose.

Forfeiture of license.

Seventhly. For annulling and declaring the forfeiture of any such Ferry license in consequence of the conditions thereof, or any of them, not having been fulfilled.

Penalties.

Eighthly. For imposing penalties not exceeding Fifty Shillings Currency in any case, for the violation of any such regulation or regulations, and all such regulations shall during the time for which they are intended to be in force, have the same force and effect as if contained and enacted in and by this Act.

Licenses for more than one year to be given out by competition.

IV. Provided always, That no license for any such Ferry shall hereafter be granted for a longer period than twelve months, except by public competition, and to parties giving such security as may be required by the Governor in Council, after notice inserted at least four times in the course of four weeks in the *Canada Gazette*, and in one or more newspapers published in the district in which such Ferry may be situate, and if no newspaper be published in such district, then in the nearest district in which a newspaper is published; nor shall any such Ferry be leased or a license therefor granted for a longer term than ten years at any one time.

No license for more than ten years.

Regulations to be published.

V. The Provincial Secretary shall cause all regulations which may be made as aforesaid to be published in the English and French languages in the *Canada Gazette*, at least three times during the three months following the date thereof, and any copy of the said Gazette containing a copy of such Regulations, or any of them, shall be evidence of such Regulation or Regulations.

How proved.

Recovery and application of fines.

VI. All fines or penalties imposed by this Act or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one Justice of the Peace, on the oath of any credible witness other than the informer; and one half of every such penalty shall be paid to the informer, and the other half shall belong to the Crown for the Public uses of the Province.

VII. All moneys arising out of such Ferry Licenses and out of penalties incurred in regard of the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund after deducting therefrom such portion thereof as may be necessary for the remuneration of the District Inspectors, or other Officers employed in carrying out this Act, for their services in that behalf, and for defraying such other expenses as may be required for the purposes of this Act.

Application of moneys received under this Act.

VIII. Provided always, That nothing in this Act shall extend to the owner or master of any vessel plying between two ports in this Province, or regularly entered or cleared by the Officers of Her Majesty's Customs at any such port, or in any way to affect any privilege granted by the Legislature either of the late Province of Lower Canada or of this Province, to the proprietor of any Bridge or to any Railroad Company, or other Road Company.

Act not to extend to certain cases.

IX. And be it enacted, That the term "chattels," wherever the same is employed in this Act, shall extend and apply to horses, cattle, grain, provisions and all other moveable property: The owner, master or person in charge of any vessel which shall be used for the purpose of carrying any person or chattel over any such ferry as aforesaid, shall be deemed to have acted as a ferryman within the meaning of this Act, and shall be liable to all the penalties hereby imposed if he shall contravene this Act in so acting: and the word "vessel" shall mean any steamboat, horseboat, boat, canoe, or craft of any kind which may be used for the purpose of carrying passengers or chattels across any such water as aforesaid.

Interpretation clause.

X. And be it enacted, That this Act shall come into force upon, from and after the first day of August next after the passing thereof, and not before.

Commencement of Act.

CAP. CCXIII.

An Act to extend the provisions of the Act of the present Session, empowering certain Municipal Councils in Lower Canada to take Shares in the Capital Stock of certain Railroad Companies.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to extend the provisions of the Act passed in the present Session, intituled, *An Act to empower the Municipalities of the Counties of Two Mountains, Terrebonne, Rouville and Missisquoi to take Stock in any Railroad Companies, for the construction of Railways passing through the said Counties respectively, and to issue Bonds to raise funds for the payment of the same*, to the Councils of all County, Town and Village Municipalities in Lower Canada, and to the

Preamble.
16 V. c. 138.

taking of Shares by the same in the Capital Stocks of Companies incorporated for the construction of Railroads, Bridges, Piers, Wharves and Slides, in or near their respective Municipalities: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all, each and every of the provisions of the Act cited in the Preamble of this Act, shall extend and apply, and be held and deemed to extend and apply to all, each and every of the County, Town and Village Municipalities in Lower Canada, and to the Municipal Councils thereof, in the same manner and to the same effect to all intents and purposes, as if the same were expressly mentioned by name in the said Act, and to the taking and subscribing for by the Municipal Council of any such County, Town or Village Municipality, of Shares in the Capital Stock of any Company duly formed and incorporated for the construction of any Railroad passing through or in the vicinity of their respective Municipalities, or of any Company incorporated under and in pursuance of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, for the construction of any Road, Bridge, Pier, Wharf or Slide, either wholly or partly within the limits of their Municipality, or in the Vicinity thereof, in the same manner and with the same effect as if such Municipalities and Companies respectively were expressly mentioned and referred to in the said Act cited in the Preamble to this Act, in construing which said cited Act the word "County" shall be understood as including incorporated Towns and Villages: Provided that for the purpose of ascertaining whether any By-law authorizing any such subscription is, or is not, approved by the majority of the qualified Municipal Electors of any Town or Village, the votes shall be taken, and a separate person shall be appointed to take the same, in each Ward of such incorporated Town or Village, and the word "Township" or "Parish" in those provisions of the said Act cited in the Preamble which relate to the taking of such Votes, shall be understood to include any Ward of an incorporated Town or Village.

The said Act extended to all County, Town and Village Municipalities in L. C. and to Companies established under 12 V. c. 56.

Word "County" interpreted in said Act.

Proviso: as to taking votes of Electors in Towns and Villages.

Words "Township" or "Parish" in said Act interpreted.

Stock may be taken by a County Council on behalf of any one or more Townships or Parishes there-

II. Provided always, and be it enacted, That if the inhabitants of any one or more Townships or Parishes in any County, shall be more especially interested in any such Railway than the other Townships and Parishes therein, then it shall be lawful for the County Council to pass a By-law or By-laws to authorize the Mayor of such County or other person whom they

they may appoint, to subscribe for Stock of the Company incorporated for the construction of such Railway, to be held by the County for and on behalf of such Township or Townships, Parish or Parishes; and in such case the sum or sums necessary for paying for such Stock or the instalments thereon, and the principal and interest of any Debentures issued for raising money to pay for such Stock or instalments, shall be raised by assessment on the assessable property in such Township or Townships, Parish or Parishes only, and not on the property in the remainder of the County; and such Stock shall be held by the County for the benefit of such Township or Townships, Parish or Parishes, and any surplus profits or dividends thereon, after paying all charges, incurred in respect of such Stock or such Debentures as aforesaid, shall be credited to such Township or Townships, Parish or Parishes, and shall go in deduction of any taxes which would otherwise be payable by them for County purposes; and the form of any Debenture to be issued for the purpose of raising money to pay for such Stock, shall be varied so as to shew that the money thereby secured is payable only out of moneys to be raised by assessment on the assessable property in such Township or Townships, Parish or Parishes: but in so far as may not be inconsistent with the provisions hereinbefore made, the provisions of the said Act shall apply to the case mentioned in this Act, and the Sheriff or Bailiff having any Writ of Execution issued under a judgment against the County Municipality for any moneys due on any such Debentures, shall have the same powers for levying the same on the assessable property in such Township or Townships, Parish or Parishes, as under the said Act he would have for levying the same on the assessable property in the whole County, if the Stock had been subscribed for and the Debentures issued on account of the County: Provided always, that no By-law shall be passed under this Section, unless the Councillors representing each Township or Parish on account of which Stock is to be taken in any Railway Company as aforesaid, shall vote for the passing of such By-law, nor unless the fact of their so voting shall be recited in the Preamble thereof, and such fact being so recited shall not be controvertible as against the Company to whose Stock the subscription is made, or any person claiming under any Debenture issued under such By-law, saving always the recourse of any person injured by any mis-statement in such recital against all parties concerned in making the same: And provided also, that it shall not be necessary that any By-law passed under this Section with the consent of the Councillors representing the Township or Townships, Parish or Parishes affected thereby, should be submitted to the approval of the qualified Municipal Electors therefor, or that it should be approved by a majority of such Electors; any thing in the Act cited in the Preamble to this Act and hereby extended, to the contrary notwithstanding.

in: proceedings in such case.

Form of Debentures in such case.

Mode of enforcing payment of such Debentures if not duly paid.

Proviso: the Councillors of the Parish or Township must consent to the By-law, &c.

Proviso: By-law so passed need not be submitted to Electors.

CAP. CCXIV.

An Act to explain and amend the Act, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance.*

[Assented to 14th June, 1853.]

Preamble.

14 & 15 V.
c. 100.

WHEREAS it is expedient to explain and amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance*, in so far as the same relates to the Cities of Quebec and Montreal; and also to deprive parties convicted under the said Act of the benefit of the Writ of *Certiorari*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act cited in the preamble to this Act as may be inconsistent with the provisions of this Act, be and the same is hereby repealed.

Provisions of said Act inconsistent with this Act repealed.

License not to be granted in Quebec or Montreal except on Certificate signed by 50 Municipal Electors of the Ward.

II. And be it enacted, That no license shall be granted to any person for keeping an Inn, a Tavern, a Temperance Hotel, or any other House or Place of public entertainment, in any Ward of either of the said Cities of Montreal or Quebec, unless the person applying for the same shall produce to the Revenue Inspector, a Certificate in the form expressed in Schedule B, annexed to the said Act, signed by fifty Municipal Electors, actually domiciled in such Ward, and having their names inscribed as such on the Voters' List, then last made and completed, and also signed by the Mayor and City Clerk, as required by the said Act.

Signatures to such Certificate to be verified by City Council.

III. And be it enacted, That it shall be the duty of the City Council of each of the said Cities respectively, in every case in which any such Certificate shall be presented to it for approval or confirmation, to enquire and ascertain whether or not the same be in fact signed by fifty Municipal Electors, actually domiciled in the Ward in such Certificate mentioned, and having their names inscribed as such on the Voters' List then last made and completed as aforesaid, and in default of the same being so signed, to withhold its confirmation or approval thereof.

IV. And be it enacted, That it shall be lawful for such City Councils, and they are hereby required to exact proof on oath, made before one of the Members thereof respectively, of the authenticity of such signatures, and of their being those of persons domiciled, and having their names inscribed as aforesaid, in each of such cases as aforesaid.

Council to require proof of signatures.

V. And be it enacted, That in every such Certificate and also in every License granted in virtue of such Certificate, the Ward of the City, to which the same relates, shall be stated; and the same shall be null and void and of no effect whatever beyond the limits of the said Ward.

Ward to be stated in the license.

VI. And be enacted, That no judgment or conviction in pursuance of the Act cited in the preamble of this Act, or adjudication on appeal therefrom, shall be removed by *Certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record in Lower Canada.

Judgments, &c., under said Act not to be removed by *Certiorari*, &c.

C A P . C C X V .

An Act to establish a Board of Notaries for the Districts of Kamouraska and Gaspé, and further to amend the Act for the organization of the Notarial Profession in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS from the distance between the Districts of Kamouraska and Gaspé, and the City of Quebec, where the meetings of the Quebec Board of Notaries are held, and the increasing importance of the said Districts, it is expedient to constitute a separate Board of Notaries for the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the fifteenth day of August, one thousand eight hundred and fifty-three, all Notaries residing in the said Districts of Kamouraska and Gaspé shall cease to be subject to the control and jurisdiction of the Quebec Board of Notaries, and all such Notaries as may be then Members of the said Board shall thereafter cease to form part thereof, and a separate Board shall be established in and for the said Districts, to be called "The Kamouraska Board of Notaries," which shall consist of eight Members who shall be elected by the Notaries residing in the said Districts; and the meetings of the said Board shall be held in the Parish of Saint Louis de Kamouraska,

Preamble.

Kamouraska Board of Notaries established: extent of its jurisdiction.

Kamouraska, at the chief place of the said District of Kamouraska.

Quorum to be five.

First election provided for.

II. And be it enacted, That the *quorum* of the said Board, for the despatch of Business, shall consist of five, and the first election of the Members of the said Board shall take place at a general meeting of the Notaries of the said Districts, to be held within three months after the passing of this Act, such meeting having been previously called by the Prothonotary of the Superior Court in the District of Kamouraska, by advertisement, published in two newspapers printed in the District of Quebec, one in the French and the other in the English language.

10 & 11 V. c. 21 to apply to Board when not inconsistent with this Act.

III. And be it enacted, That the said Board shall be governed in every respect by the provisions of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada*, as amended by any other Act of this Province, except in so far as the same may be inconsistent with this Act, as if the said Board had been specially named in and created by the said Act.

Quebec Board to transmit certain Repertories, &c., to Kamouraska Board after a certain time.

IV. And be it enacted, That it shall be the duty of the Quebec Board of Notaries, after suitable vaults shall have been provided by the Kamouraska Board of Notaries, and within one month after notice in writing to that effect shall have been given to them through their Secretary by the Secretary of the said last mentioned Board, to transmit to the said Board all the Minutes and Repertories of Notaries who shall at the time of their decease or of their ceasing to practise, have resided in the said District of Kamouraska or of Gaspé, or within the limits of the territory now comprised in the said Districts, and which may be in the possession of the said Quebec Board of Notaries; and in the event of the refusal or neglect of the said Quebec Board of Notaries to transmit such Minutes and Repertories within the said period, they shall forfeit and incur a penalty not exceeding One Hundred Pounds currency, for each and every portion thereof which they shall so refuse or neglect to transmit, which penalty shall be recoverable by the said Kamouraska Board of Notaries for their own use, from the said Quebec Board of Notaries, before any Court of competent jurisdiction: Provided always, that the cost of transmitting such Minutes and Repertories shall be defrayed by the said Kamouraska Board of Notaries.

Penalty for refusal.

Recital.

V. And whereas the provision contained in the Act above cited, requiring that no Notary shall act as such, while carrying on business as a merchant, trader, or manufacturer, is fraught with serious inconvenience, especially to Notaries residing in the country parts: Be it enacted, That so much of the twenty-seventh Section of the said Act as prohibits any Notary from carrying on business as a merchant, trader or manufacturer, shall be and is hereby repealed.

Part of s. 27 of 10 & 11 V. c. 21, repealed.

VI. And whereas Notaries who were Registers or Deputy Registers at the time of the passing of the Act above mentioned, have continued to exercise their functions as Notaries at the same time as those of Registers or Deputy Registers, while others who have been appointed Registers or Deputy Registers since the passing of the said Act, have been deprived of the exercise of their functions as Notaries, and thus subjected to great injustice: Be it enacted, That so much of the twenty-seventh Section of the said Act, as enacts that no Notary shall act as such while holding the office of Register or Deputy Register of any County, shall be and is hereby repealed.

Recital.
Part of said sect. repealed.

VII. And be it enacted, That the three weeks' notice to be given as provided by the fourteenth Section of the said Act, of the day and hour when the examination of Candidates for the practice of the Notarial profession shall take place, shall, instead of being published in two newspapers, be posted up by the Secretary during the same period in the office of the Board of Notaries before which the Candidates are to undergo their examination.

How the notice required by s. 14 of said Act shall be given.

VIII. And be it enacted, That the Annual General Meeting of Notaries within the jurisdiction of each Board mentioned in the seventh Section of the said Act, shall take place on the first Thursday of November at two o'clock in the afternoon; and if the said Thursday shall happen on a holiday, the meeting shall take place on the following day.

Day for Annual General Meetings.

CAP. CCXVI.

An Act for the relief of the Presbyterian Church of Canada, as regards the keeping of Registers of Baptisms, Marriages and Burials, in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS it is expedient to legalize and give effect to the Registers of Baptisms, Marriages and Burials kept in Lower Canada, by the Ministers, Missionaries and Pastors of the Christian Denominations known as "The Presbyterian Church of Canada," "The United Presbyterian Synod in Canada," and "The Reformed Presbyterian Church," and further to enable the said Ministers, Missionaries and Pastors of the said Churches to have and keep such Registers: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That it has always

Preamble.

Ministers of any Presbyterian Church in L. C. declared to have had and to have the right to keep Registers.

always been, is and shall be lawful for any regularly ordained Minister of or in connection with any one of the said Presbyterian Churches, having a congregation or congregations under his care in Lower Canada, or for any Minister for the time being, doing clerical duty in such congregation or congregations according to the rules and regulations of the said Churches respectively, to have and to keep (subject always to the penalties by law in this behalf enacted) Registers duly authenticated according to the laws of Lower Canada, of all Marriages, Baptisms and Burials, performed or taking place under the ministry of such Minister, which Registers, the necessary formalities by law already provided in relation to Registers of the like nature being observed, have had and shall have whether procured to be authenticated by the said Ministers themselves or by their predecessors in office, the same effect at law to all intents and purposes as those kept by any Minister in Lower Canada of the Churches of England or Scotland.

Minister to deposit a certain certificate with the Prothonotary of the Superior Court.

II. Provided always, and be it enacted, That any such Minister so doing clerical duty, shall only be entitled to claim an authenticated Register, when he shall have deposited with the Prothonotary of the Superior Court in the District where he shall be exercising his ministry in Lower Canada, a certificate from the Moderator for the time being of the Presbytery within whose bounds such Minister may officiate, to the effect that he is a Minister in good standing, officiating or doing clerical duty in connection with the said Church, and such certificate shall be filed of record in the Office of such Prothonotary, who shall furnish to such Minister a certificate of such record, and for filing such certificate, and for furnishing a certificate of the same, the Prothonotary shall be entitled to Two Shillings and Six Pence currency, and no more.

Fee.

Copies of entries may be demanded, and be evidence.

III. And be it enacted, That it shall be at the option of parties interested, to demand copies of the entries of Marriages, Baptisms and Burials from the said Registers; and the Clerks and Prothonotaries of the Courts, and the Ministers in possession of such Registers, are hereby required to grant the same, under their respective signatures, and the said copies shall be received as evidence in all Courts of Justice in the Province of Canada.

Duplicate Register to remain the property of the Congregation.

IV. Provided always, and be it enacted, That whenever the connection between any such Minister and such congregation or congregations shall cease, the duplicate of the Register shall be the property of the congregation or congregations, and shall be deposited with the Clerk of the Kirk Session thereof, to be kept by the successor for the time being of such Minister for the use of such congregation or congregations.

The said Registers to have

V. And be it enacted, That the Registers which shall have been so kept, and the several entries made therein according to

to the laws in force in Lower Canada, as well as authentic copies of such entries, certified in like manner and by the like persons as the entries in and copies from the like Registers of other Protestant congregations, shall to all intents and purposes be good and available in law in like manner as entries and authentic copies thereof made in any other like Register kept under the authority of the Act of the Legislature of Lower Canada, passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act to establish the forms of Registers of Baptisms, Marriages and Burials, and to confirm and make valid in law the Register of the Protestant Congregation of Christ-Church, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers.*

the same effect as other Registers kept under Act of L. C. 35 G. 3, c. 4.

VI. And be it enacted, That if any person shall after the passing of this Act, make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering or counterfeiting any entry respecting the Baptism, Marriage or Burial of any party or parties, in any Register Book so directed to be kept as aforesaid, or shall utter or publish as true, any false, forged, altered or counterfeited entry as aforesaid, or a copy or certificate of an entry, knowing such copy or certificate to be false, altered, forged or counterfeited, or shall wilfully destroy, or cause or procure to be destroyed, any such Register Book as is directed to be kept by the Pastor or Minister of any parish or congregation, or the Prothonotary of any Court respectively, every person so offending, and being thereof lawfully convicted, shall suffer such fine and imprisonment as to the Court shall seem meet: Provided that such imprisonment shall be for a term not less than twelve calendar months.

Punishment of persons forging, altering, &c., any Register or Entry.

Proviso.

VII. And be it enacted, That this Act shall be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

Public Act.

VIII. And be it enacted, That this Act shall only apply to Lower Canada.

Extent of Act.

CAP. CCXVII.

An Act to extend certain privileges therein mentioned to a body of Protestant Christians denominating themselves Adventists.

[Assented to 14th June, 1853.]

WHEREAS the President, Secretary and Members of an Ecclesiastical Conference, composed of Ministers and Laymen, known and distinguished as *The Second Advent Conference in Canada East*, have by their Petition represented,

Preamble.

that

that there is a numerous body of Protestant Christians residing in Lower Canada, and especially in the Counties of Shefford, Sherbrooke, Stanstead and Missisquoi, denominating themselves Adventists, who do not enjoy the privileges accorded to other religious denominations, and have by their said Petition prayed, that any regularly ordained Minister of a Church or Society of Adventists in Lower Canada, having a fixed and permanent congregation, may be authorized to keep, in due form of law, Registers of all such Baptisms, Marriages and Burials as shall by such Minister be performed; And whereas it is just that such privileges under certain regulations should be extended to such Ministers, for the relief and satisfaction of their several congregations throughout Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act it shall and may be lawful for any Preacher or Minister in connection with the conference styled and known as *The Second Advent Conference in Canada East*, and having under his care a regularly established congregation of the class of Protestant Christians denominating themselves Adventists, to have and keep Registers of Baptisms, Marriages and Burials according to the laws of Lower Canada.

Ministers of Adventist persuasion may keep Registers.

Previous conditions to be complied with by such Ministers.

Fee to Prothonotary.

Further conditions.

Security to be given by the Minister.

II. No Minister of any such congregation of Adventists shall be entitled to the benefit of this Act, unless he shall have taken the oath of allegiance before a Judge of the Superior Court in the District in which he shall reside; and a certificate of the taking of such oath shall be made by the Prothonotary of the said Court in duplicate, and signed by the Judge, and one copy of such certificate shall be filed of record in the office of the Prothonotary, and the other shall be delivered to the person taking such oath; and for such certificate and the duplicate thereof, and for filing the same, the Prothonotary shall be entitled to Two Shillings and Six Pence currency, and no more; nor shall any such Minister be entitled to the benefit of this Act, unless he shall at the time of taking such oath as aforesaid, produce to the Judge who shall administer the same, the certificate of his ordination, and of the invitation or call to become their Minister, by him received from his congregation, and of his installation as such Minister, or legally attested copies of such documents respectively; and all such documents shall be copied into each register to be kept by such Minister under the authority of this Act, and the copies so made therein shall be certified to be correct by the Prothonotary, before such Register shall be authenticated by him

him or by any Judge of the Court: nor shall any such Minister be entitled to the benefit of this Act, unless he shall at the time of taking the oath aforesaid, give security in the sum of One Hundred Pounds currency, jointly and severally with two good and sufficient sureties, before and to the satisfaction of the Judge who shall administer such oath, that whenever he shall, by death or otherwise, cease to be the Minister of such congregation, each and every Register not previously deposited in the Prothonotary's office in which it ought by law to be deposited, shall be so deposited within two months after he shall have ceased to be such Minister.

III. Whenever the connection between any such Minister and such congregation shall cease, the duplicate of the Register shall be the property of such congregation, and shall be deposited with the Clerk thereof, to be kept by the successor of such Minister, for the use of the said congregation.

Duplicate of Register to be the property of the Congregation.

IV. Such Registers, after the removal of such Preachers or Ministers from the City, Town, Township or Place in which they may respectively have officiated and have kept such Registers, shall be deposited with their respective successors in office, or in case there shall be no successors, with the Prothonotary of the Superior Court in the district in which the Preacher or Minister keeping the same may have actually officiated.

Register where to be kept after removal of Minister.

V. On his removal from one City, Town, Township or Place, to another City, Town, Township or Place in this Province, such Preacher or Minister shall be entitled to have and obtain a new Register for the place to which he shall have removed, if none shall have been previously obtained or kept at such place by some Preacher or Minister in connection with the said Conference.

Ministers removing may have a new Register.

VI. The Registers which shall have been so kept, and the several entries made therein according to the laws in force in Lower Canada, as well as authentic copies of the entries therein made, shall to all intents and purposes be good and available in law as if the said Registers had been kept pursuant to the Act passed by the Legislature of the late Province of Lower Canada, in the thirty-fifth year of the Reign of His late Majesty King George the Third, intituled, *An Act to establish the forms of Registers of Baptisms, Marriages and Burials, to confirm and make valid in law the Register of the Protestant Congregation of Christ-Church, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers, or of an Ordinance of the Legislature of the said late Province, passed in the second year of Her Majesty's Reign, intituled, An Ordinance to facilitate the manner in which Registers of Baptisms, Marriages and Burials, shall in future be numbered and authenticated, in the Province of Lower Canada.*

Legal effect of such Register.

Act of L. C. 35 G. 3, c. 4.

Ordinance L. C. 2 V. c. 4.

Penalties on Ministers concerning the said Act.

VII. Ministers keeping Registers pursuant to this Act, shall in all respects comply with and be governed by the above recited Act and Ordinance, and shall in case of disobedience to the said Act or the said Ordinance be liable to the penalties in like cases provided by the said Act, which penalties shall also be recoverable, paid, applied and accounted for, in the same manner as the penalties by the said Act imposed are thereby directed to be paid, applied and accounted for.

Rights of Her Majesty, &c. saved.

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

Public Act.

IX. This Act shall be held to be a Public Act.

CAP. CCXVIII.

An Act to separate the County of Halton from the County of Wentworth.

[Assented to 14th June, 1853.]

Preamble.

Petition of inhabitants recited.

WHEREAS a very large number of inhabitants of the County of Halton, the Junior County of the United Counties of Wentworth and Halton, have, by their petition, prayed that the said County of Halton may be set apart as a separate County for judicial and other purposes, without unnecessary delay, and that the County Town of such County may be fixed at the Village of Milton in the said County; and the sense of the said County being in favor of such separation, and the wealth and population thereof being sufficient to warrant the same, it is expedient to make provision to enable the said County to separate from the said County of Wentworth, as soon as the necessary provisions for that purpose shall have been made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the First day of July, one thousand eight hundred and fifty-three, the Town Reeves and Deputy Town Reeves of the several Townships, Unions of Townships, Villages and Towns, in the said County of Halton, as the same is described and limited in and by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, shall form a Provisional Municipal

Provisional Council constituted for Halton,—its powers. 14 & 15 V. c. 5.

Municipal Council for the said County, and shall with respect to the said County, have, possess and exercise all and singular the rights, powers, privileges and duties, conferred, granted or imposed by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*, upon Provisional Municipal Councils erected by Proclamation under the authority of the said Act, and also all the powers which may be conferred on Provisional Municipal Councils generally by any other Act or Law in force in Upper Canada; and such Provisional Council shall and may, so soon as they shall think fit so to do, purchase the necessary property at or near the said Village of Milton, which is hereby declared to be the County Town of the said County of Halton, and proceed to erect the necessary public buildings on such property, and all the provisions of the Act last above cited shall apply to the said Provisional Municipal Council, and to the said County of Halton.

Council may purchase the necessary property at or near Milton, &c.

II. And be it enacted, That so soon as the Court House and Gaol of the said County shall be erected and completed at or near the said Village of Milton, according to the provisions of the fifteenth Section of the said lastly in part recited Act, and the other provisions of the said fifteenth Section shall have been complied with by the said County, it shall and may be lawful for the Governor of this Province to appoint the necessary Officers as provided by the seventeenth Section of the said in part recited Act, and by order in Council to issue a Proclamation dissolving the union between the said County of Halton and the said County of Wentworth, from the date to be mentioned in such Proclamation: and all the provisions of the said lastly in part recited Act, or of any other Act or Law of Upper Canada applicable to Counties on and after their being separated from other Counties, shall apply to the said Counties of Wentworth and Halton respectively.

When the Court House and Gaol shall be completed, a Proclamation may issue separating the two Counties from a day to be therein named.

III. And be it enacted, That the said Provisional Council shall meet at the Village of Milton, in the said County, on the second Tuesday in the month of July next after the passing of this Act, a notice of such meeting shall be inserted in some newspaper published within the said County or in some adjoining County, and a copy of such notice sent by mail or otherwise to each Member of such Provisional Council, at least eight days before the day appointed for such meeting, by the Warden of the said United Counties of Wentworth and Halton.

First meeting of Provisional Council.

IV. And be it enacted, That the said Warden of the United Counties of Wentworth and Halton shall, by a Warrant under his hand and seal, appoint some one of the Town Reeves or Deputy-Town Reeves of the said County of Halton, to preside

Warden to appoint a temporary President of Council.

at

at the first meeting of such Provisional Municipal Council, until a Provisional Warden shall be elected by such Provisional Municipal Council.

Public Act.

V. And be it enacted, That this Act shall be deemed and taken to be a Public Act.

C A P . C C X I X .

An Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade.

[Assented to 14th June, 1853.]

Preamble.

Letters Patent
of U. C.
21st Feb.
1840, recited.

Order in
Council 17th
Augt. 1837.

WHEREAS by Letters Patent, under the Great Seal of the Province of Upper Canada, bearing date the twenty-first day of February, in the year of our Lord, one thousand eight hundred and forty, certain water lots or tracts of land covered with water, situate in front of the said City of Toronto, and certain parcels or slips of land situated between the top of the bank and the water's edge of the Bay, in the said City of Toronto, adjoining to the said water lots, were under the direction of an Order in Council of the 17th August, 1837, granted to the Mayor, Aldermen and Commonalty of the said City of Toronto, and their successors for ever, upon trust, to lease the said water lots, or apply them to and for the public purposes of the said City, as the Common Council of the said City of Toronto, from time to time, might think fit to order or direct: And upon the further trust that within three years from the time the said City of Toronto should occupy any of the said water lots for the uses of the said City, or lease the same, an Esplanade of one hundred feet in width, of such materials and plan as the said City of Toronto, by Act of Common Council, might order and direct, should be erected and built in front of the said lots by the said City, or the lessees of the said lots respectively, at the place designated by the letter C, on the Record maps of the Crown Land Department, and designated by the letter O upon a plan of the said City and water lots annexed to the said Letters Patent, subject also to the condition that the said Esplanade shall be kept in repair by the City or its lessees, as provided for by Order in Council of 17th August, 1837; and upon the further trust, that so soon as the proprietors of such water lots, in front of the said City of Toronto, as had been granted previously to the date of the Letters Patent hereinbefore in part recited, should comply with the terms of the said Letters Patent, and build the said Esplanade in front of their respective lots, according to the said plan adopted by the said City of Toronto, and in the place designated on the map annexed to the said Letters Patent, to convey to such proprietors the extension of the water lots adjoining to their respective lots, as by the said Letters Patent, and the map annexed thereto is provided and described, and also

also to convey to the owners of the water lots, according to their respective estates, pieces of land at the foot of the bank, subject to such general regulations, as to buildings and general improvements under the direction of the Corporation, as may be devised by the Corporation of the said City ; And whereas most of the said water lots so granted to the said City of Toronto, have been leased by the said City, and the said leases contain a covenant on the part of the lessees, to build the said Esplanade within the time in the said Letters Patent mentioned, and according to the plan adopted by the Common Council ; And whereas by a certain license of occupation issued by His Excellency the Governor General, and bearing date the 29th day of March, 1853, which said license of occupation was so issued in conformity with the Orders in Council of the 9th day of December, 1852 and 29th March, 1853, His Excellency gave and granted to the said Mayor, Aldermen and Common Council of the said City of Toronto, and their successors in office, license to occupy certain other parcels of land covered with water and strips of land lying in front of the said City and in the said license of occupation described, with certain reservations in the said license of occupation set forth, to have and to hold to the said Mayor, Aldermen and Common Council of the said City and their successors in office, for and during pleasure, subject nevertheless to the stipulations, terms and conditions therein mentioned ; And whereas the Corporation of the City of Toronto have, by their petition, prayed that authority may be given to the Common Council of the said City to erect the proposed Esplanade in front of and upon the said water lots, according to the conditions of the said Letters Patent, license of occupation and the leases to the several tenants thereof, and to issue Debentures for the payment thereof, payable within twenty years, redeemable by an annual rate to be levied on such holders of the said water lots, whether freehold or leasehold, as are unwilling or unable to make their respective portions of the said Esplanade at their own expense, within twelve months from the first day of January, one thousand eight hundred and fifty-three ; And whereas it would greatly conduce to the prosperity and health of the said City of Toronto, that such an Esplanade should be forthwith built, and it is advisable that the prayer of the said Petition be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the said City of Toronto to enter into any contract or contracts with any person or persons who may be willing to undertake the same, to erect and build

License of occupation of 29th March, 1853, under Orders in Council of 9th Decem. 1852, and 29th March 1853, recited.

Corporation may contract for building the Esplanade, &c.

an Esplanade in front of and upon the water lots in the said City, as described in the Preamble and the Letters Patent and License of occupation therein mentioned, of such materials, and according to such plan as the Common Council of the said City of Toronto may have adopted, or may hereafter adopt regarding the same, according to the provisions of the said Letters Patent.

Corporation may borrow money to build the same, and levy a special rate on owners of water lots.

II. And be it enacted, That notwithstanding any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Toronto, to pass a By-law to raise a loan for such an amount, not exceeding One Hundred and Twenty Thousand Pounds, as may be necessary for the purpose of constructing the said Esplanade, and to issue any number of Debentures, payable in this Province or elsewhere, in sums of not less than Twenty-five Pounds, which may be requisite and necessary therefor, payable in twenty years from the respective dates thereof; and for the purpose of redeeming the same, and paying the interest thereon, it shall and may be lawful to and for the Common Council of the said City of Toronto, in any By-law to be passed authorizing the said Loan of One Hundred and Twenty Thousand Pounds, or any part thereof, and the issuing of Debentures therefor, to impose a special rate per annum to be called "The Esplanade Rate," over and above and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose, over and above the interest payable on such Debentures, which Sinking Fund shall be invested in each year, either in the Debentures provided for by this Act, or in Government Debentures or other Provincial securities.

Such special rate to include a provision for a Sinking Fund.

City Surveyor to ascertain amount payable by owners of lots on which the City shall have made the Esplanade, and notify them.

III. And be it enacted, That when the Corporation of the said City shall have built and completed that portion of the said Esplanade fronting upon or crossing the water Lots in the said City, after the owners, proprietors or lessees of such Lots shall have failed to construct the same within the time and in the manner herein provided, the City Surveyor of the said City, by an Instrument under his hand and seal, shall declare the amount which each of such owners or lessees ought to pay to the said City for the construction of such Esplanade upon and across such water Lots respectively, a copy of which Instrument shall be served on each such owner or lessee respectively, or sent to his address by mail, if his address be known and be within this Province, and not within the said City.

Provision for Arbitration, if any such owner declares himself

If such owner or lessee shall within one month after such service leave with the Clerk of the Common Council of the said City, a notice in writing that he refuses to pay the amount declared by the said City Surveyor, as the sum payable by him

in

in respect of the improvement made across or in front of his Lot, and shall also name an Arbitrator to act on his behalf for the purpose of deciding the value of the said improvement, the Corporation of the said City shall also name an Arbitrator on behalf of the said City, and the two so chosen shall, within three days after the nomination of a person to act for the said City, select a third Arbitrator, and in case they fail to do so, the County Judge of the County of York, or of any Union of Counties for the time being, of which the County of York may be one, shall appoint such third Arbitrator; and the award or determination of such Arbitrators, or any two of them, shall be final as to the amount chargeable on the said water Lots respectively, and the owners thereof for such improvement; but if such owner or lessee shall not leave such notice as aforesaid with the City Clerk, within one month as aforesaid, then the certificate of the City Surveyor shall be conclusive as to the amount to be paid by such owner or lessee :

dissatisfied with the amount so ascertained.

Otherwise certificate of City Surveyor to be conclusive.

Provided always, that if such owner or lessee be an infant, or *non compos mentis*, or under any other disability to act for himself, or be absent from the Province or unknown, and there be no person in this Province known to be legally authorized to act for him in the matter upon or to whom the copy of the Instrument made as aforesaid by the City Surveyor can be served or sent, then the County Judge aforesaid, on the application of the Corporation of the City, and on being satisfied by affidavit of such fact, shall appoint an Arbitrator to act for such owner or lessee, and the said Corporation shall appoint another, and the two Arbitrators so appointed shall before they act as such appoint a third, or if they cannot agree, then the said County Judge on the application of either of them, (after notice to the other of such application) shall appoint the third Arbitrator, and the award of the said Arbitrators or of any two of them, shall be conclusive as to the amount to be paid to the said Corporation by such owner or lessee :

Provision if the owner be unable to act, absent, &c.

When the amount to be paid as aforesaid shall have been conclusively ascertained by the certificate of the City Surveyor or the award of Arbitrators as hereinbefore provided, then a memorandum of such certificate or award may be registered in the Office of the Register of Deeds for the County, and being so registered, the sum therein mentioned shall thereafter be a charge upon the lands in respect of which it is payable, and the said sum shall be payable to the Corporation of the said City, in twenty equal annual instalments, to become due on the thirty-first day of December in each year, after such registration as aforesaid, with interest from the same date, (or from the day up to which the interest shall have been paid, as the case may be,) on so much of the said sum as shall be then unpaid, and the said instalments and interest shall and may be collected, and if not paid may be recovered from the owners or occupiers of the said lands for the time then being, in like manner,

Sum finally ascertained to be a charge on the land: and payable in 20 equal annual instalments.

How recoverable if not paid.

manner, with the same accumulations, and subject to the same provisions as local taxes in the said City, and if the same be not so paid or recovered, then the said lands may be sold in like manner as the lands of non-residents may be sold for non-payment of the local taxes thereon, and the said instalments and interest and all lawful charges shall be paid out of the proceeds of such sale, and if the proceeds of the sale be more than sufficient to pay the same, the surplus shall be returned to the owner of the said lands when applied for by him :

Application of Moneys received under this section.

Any sums received by the Corporation of the said City under this Section, shall be applied towards the payment of the principal and interest of the Debentures issued under the authority of this Act, and shall be invested and applied in the manner provided in like cases by the Upper Canada Municipal Corporations Acts.

On what proof the Memorandum of City Surveyor or the Award shall be registered.

IV. And be it enacted, That the memorandum of the certificate or award hereinbefore mentioned, signed by the said City Surveyor, or any two of the said Arbitrators, (which may be in the form or to the effect mentioned in the Schedule herunto annexed marked A) shall be registered by the Register of the County of York, without any further evidence of the execution of the said memorandum than the signature of the persons who purport to sign the same, but there shall be produced to such Register at the same time, the original certificate of the said City Surveyor, and the original appointment in writing of the Arbitrators when such memorandum is signed by Arbitrators, together with their award, which papers shall be filed by the said Register with the said memorandum, and for filing such papers and registering such memorandum for each lot or parcel of land, such Register shall receive the sum of Two Shillings and Six Pence, and no more.

By-law imposing the rate not to be repealed until debt and interest are paid.

V. And be it enacted, That any By-law to be passed under this Act, shall not be repealed until the debt or debts created by this Act, and the interest thereon, shall be paid and satisfied, and that the one hundred and seventy-eighth Section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

Duty of the Chamberlain under this Act.

VI. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Toronto, for the time being, to keep a special account of the said Debentures, and to carry the amount received by him arising from the special rate so to be imposed as aforesaid to such account, and to appropriate all and every the sum and sums of money received by him on the said account solely to the liquidation of the principal and interest of the said Debentures.

VII. And be it enacted, That so soon as the said Esplanade shall be completed in the manner above mentioned, and the general regulations as to buildings and improvements under the direction of the Corporation upon the system devised by them, shall have been complied with, the Mayor, Aldermen and Commonalty of the said City of Toronto shall forthwith convey to the several and respective owners of the said water lots entitled to the same under the said Letters Patent, the several and respective pieces, parcels and strips of land set forth and described by the said Letters Patent, and designated on the map or plan thereto annexed: Provided always, that it shall and may be lawful for any of the owners, proprietors or lessees of the said water lots, to erect and build that portion of the said Esplanade, fronting upon or crossing their said respective premises, upon giving notice in writing to the Chamberlain, for the time being, of the said City of Toronto, within two months after the passing of this Act, of his and their intention so to do, and erecting and building and completing the same, according to the conditions of the said Letters Patent and the said map and plan, within one year from the passing of this Act; And the said special rate authorized to be levied by this Act, shall be rated, imposed and assessed upon such only of the said owners, lessees and proprietors of the said water lots as shall neglect to give the said notice, or refuse to erect and build the said Esplanade as aforesaid; And provided always, that the said Mayor, Aldermen and Commonalty of the said City, shall commence the said Esplanade within one year from the said twenty-ninth day of March, one thousand eight hundred and fifty-three, and shall comply with, observe and perform all and every the reservations, limitations and conditions contained in the said License of Occupation mentioned and in part recited in the Preamble to this Act.

Conveyance of lots to the proper persons according to the Trust in the Letters Patent herein-before cited.

Proviso.

Annual payments aforesaid to be imposed only on owners who do not make their share of the Esplanade.

Proprietors may build the Esplanade themselves, on giving notice to the Chamberlain.

Esplanade to be commenced within a certain time.

VIII. And whereas by Letters Patent from the Crown, dated the fourteenth day of July, in the year of our Lord, one thousand eight hundred and eighteen, a certain space or strip of land, denominated by the Letter H, on the plan of the then Town of York, commencing at the top of the bank in the western limit of the old Government Buildings reservation, adjoining the south-east angle of the said Town, then, north sixteen degrees west four chains, more or less, to the southern limit of Palace Street, then along the southern limit of the said street, and also following the southern limit of Market Street and Front Street, until it intersects the western limit of Peter Street at the west end of the said Town; then, south sixteen degrees east five chains, more or less, to the top of the bank, following its several turnings and windings to the place of beginning, containing thirty acres, more or less, with allowance for the several cross streets leading from the said Town to the water, was vested in John Beverly Robinson, William Allan, George Crookshank, Duncan Cameron and Grant Powell, all of the Town of York, Esquires,

Recital of Letters Patent granting land in 1818 in trust for a public walk or mall.

The said land may be transferred to Corporation for purposes of the Esplanade.

Esplanade to be made on the said land after surrender thereof and grant to the City.

Certain instruments confirmed notwithstanding any misnomer of the Corporation of Toronto.

Right of Ordnance Department saved.

Land in front of Parliament Buildings reserved, and Esplanade thereon to

Esquires, their heirs and assigns, for ever, in trust to hold the same for the use and benefit of the inhabitants of the then Town of York, as and for a public walk or mall in front of the said Town: Be it enacted, That the said Trustees, or the survivors of them, shall have power to transfer and convey the land so held by them as aforesaid to the Mayor, Aldermen and Commonalty of the City of Toronto, to hold the same upon the same trusts and conditions as are expressed in the Letters Patent above referred to; or the said Trustees may, at their option, surrender and re-convey the said land to Her Majesty, and the Governor of this Province may thereupon, by an Order in Council, or otherwise, transfer and convey the said land to the said Mayor, Aldermen and Commonalty of Toronto, upon the same trusts and conditions as are above expressed; and the said Mayor, Aldermen and Commonalty of the said City of Toronto shall have power by this Act, either to make the public walk contemplated in the original grant to the Trustees aforesaid, or to continue the Esplanade aforesaid through and in front of the said land, or to make such other improvements upon it, for public purposes, as the said City, by its Mayor, Aldermen and Commonalty, may from time to time deem meet; the said Mayor, Aldermen and Commonalty being empowered by this Act to defray the expense of such last mentioned improvements out of the proceeds of the Debentures by them herebefore authorized to be issued as aforesaid.

IX. And be it enacted, That all Documents, Securities, or Debentures, *bonâ fide* executed or issued before the passing of this Act, by or to the said Mayor, Aldermen and Commonalty of the said City of Toronto, in the name of the said City of Toronto, or in any other form of words designating the same, and to which the Corporate Seal of the said City has been *bonâ fide* affixed, shall be good and valid, notwithstanding any variation in the use of the Corporation name of the said City in such Instruments from the form of words prescribed by the Upper Canada Municipal Corporations Act of 1849.

X. Provided always, and be it enacted, That nothing in this Act shall apply to or affect any lands or property vested in the Principal Officers of Her Majesty's Ordnance, or shall be construed as giving any power to the Mayor, Aldermen and Commonalty of the City of Toronto, to take, use or occupy any such lands, or to oblige the said Principal Officers to do any thing or allow any thing to be done in respect thereof, or in any way to interfere with or affect the rights of the said Principal Officers.

XI. Provided also, and be it enacted, That nothing herein contained shall be construed to impair or affect the right of Her Majesty to the land in front of the lot now occupied by the Parliament Buildings at Toronto, and extending from Simcoe Street to John Street, but such land shall be and remain vested in

in Her Majesty for the public uses of the Province, and that part of the said Esplanade along and upon such land shall be made under the superintendence of the Commissioners of Public Works.

be made by the Government.

XII. And be it enacted, That it shall not be lawful for any Railway Company to carry their Railway along, upon or across the said Esplanade, without the consent of the Governor in Council, nor if such consent be granted shall any such Railway be carried along, upon or across the said Esplanade, except upon such line or lines, upon such level, in such manner, and subject to such regulations and conditions as the Governor in Council shall, upon the Report of the Board of Railway Commissioners think fit to direct and make; and any Railway Company which shall be allowed to carry their Railway along, upon or across the said Esplanade, shall pay such compensation to the said Corporation as shall be agreed upon by the said Corporation and the Company, or if not so agreed upon, shall be fixed by the said Board of Railway Commissioners, and such compensation if so fixed as last aforesaid, may be fixed at a sum payable once for all or at a certain sum payable periodically; and if any Railway Company whose Railway shall be carried along the said Esplanade, shall be desirous of having a terminus upon or in the vicinity of the said Esplanade, then such terminus may be made at such place, and with such extent of ground, and subject to such other conditions as the said Board of Railway Commissioners shall determine.

Provision touching Railways crossing or carried along, &c., the Esplanade.

Compensation by such Company.

Board of Railway Commissioners to settle terminus of any such Railway.

XIII. And be it enacted, That no Debentures of the said Corporation of the said City of Toronto, to be issued under the authority of this Act, shall be sold by the said Corporation for less than their par value, bearing six per cent. interest per annum.

No Debentures under this Act to be disposed of under par.

XIV. And be it enacted, That this Act shall be a Public Act.

Public Act.

SCHEDULE A.

ESPLANADE DEBT.

No. of Lot.	Name of Owner.	Description of Land.	Amount chargeable thereon in favor of the City of Toronto for Esplanade improvement.
1	John Jones.	In front of Water Lot No. 5, granted or leased to Joseph Styles, or described as follows, that is to say: bounded East by, &c.	Forty pounds. John Doe, } Arbitrators. Richard Roe, } or Wright Line, City Surveyor.

C A P . C C X X .

An Act to amend, and consolidate as amended, the Laws relative to the Toronto General Hospital.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to amend the laws relative to the Toronto General Hospital, and to consolidate the same as amended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Trustees of the Toronto Hospital*, and the Act passed in the session held in the fourteenth and fifteenth years of the same reign, and intituled, *An Act to amend the Act incorporating the Trustees of the Toronto Hospital*, shall be and the same are hereby repealed.

10 & 11 V.
c. 57, and 14
& 15 V.
c. 141, re-
pealed.

Certain
officers and
persons to be
Trustees of
the Toronto
General Hos-
pital, and as
such a Corpo-
ration.

General corpo-
rate powers.

Proviso.

Proviso.

II. And be it enacted, That from and after the passing of this Act, the Mayor, Aldermen and Common Councilmen of the City of Toronto, and the President and Board of Trade of the said City, for the time being, shall each appoint one person, who, together with three other persons resident within the said City to be appointed by the Governor General during pleasure, shall be a body corporate by the name of the *Trustees of the Toronto General Hospital*, and as such shall have the usual powers and rights of bodies corporate, and shall have and hold all such parcel or parcels of land and premises as may have been heretofore assigned or conveyed to any former Trustees of the said Hospital by Letters Patent, or by any person or persons whatever, for the use and support of the said Hospital, and shall and may be capable of receiving and taking from any person or persons, or any body corporate or politic, by grant, devise or otherwise, any lands or interest in lands, or any goods, chattels or effects, which any such person or persons, or body corporate or politic may be desirous of granting or conveying to them for the use or support of the said Hospital, and also shall and may from time to time make such By-laws and Rules for the internal management and regulation of the said Hospital as shall to them seem meet and expedient; Provided always, that such By-laws or Rules shall be laid before the Governor in Council within thirty days after the same shall have been so made as aforesaid, and may be by him disallowed within one month thereafter; and any three of such Trustees shall form a quorum for the transaction of business. Provided also that nothing herein contained

contained shall be construed as creating a new Corporation ; but the Corporation constituted by this Act shall be held to be the same with that constituted by the Act hereby repealed, and all actions or proceedings brought by or against the former Trustees, and pending at the time of the passing of this Act, shall be continued by and against the Trustees provided for by this Act ; and all matters and things done by the said former Trustees shall be binding upon the said Trustees hereby created, until further or other provision may be made in respect thereof by the said last mentioned Trustees in conformity with this Act ; And provided further, that the time of appointment by the Governor in Council of any of the aforesaid Trustees, shall not be for a longer period than two years.

Proviso.

III. And be it enacted, That the said Trustees, by the name aforesaid, shall have power to appoint a Clerk or Secretary and Agent, and to remove him at their pleasure, and to appoint another in the place of the person so removed ; and that it shall be the duty of the said Trustees to invest in good and sufficient securities, all moneys which may at any time come into their hands for the use and support of the said Hospital, which may not be required for the immediate expenditure of the said Hospital, and from time to time, when required so to do by the Governor in Council, to render an account in detail of all moneys received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital, and the said Trustees shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each session.

Trustees may appoint a Clerk or Secretary, and shall account for all moneys received by them to the Governor in Council on demand, and to both Houses of Parliament annually.

IV. And be it enacted, That the said Trustees, by the name aforesaid, shall have power to sue in any of the Courts of this Province having competent jurisdiction, for any cause of action touching the property of the said Trustees, and for any moneys due or payable to them or their predecessors for the purchase money or rents of any land or buildings, or on any account whatever ; and to distrain for such rents when the same are in arrear and unpaid, and to act in all matters touching the collection and control of the funds of the said Hospital, and the management and disposition of any lands belonging to the same, as to them or a majority of them shall appear most conducive to the interests of the said Hospital ; and no individual of the said Trustees shall be held responsible for any act or acts of the said Trustees which shall be done or determined upon at any meeting at which he shall not have been present or from which he shall dissent, such dissent being entered and signed by him in the minutes to be kept by the said Trustees of their proceedings as hereinbefore mentioned.

Power to sue for money due and distrain for rent.

Absent or dissenting Trustees not responsible for acts done or determined upon.

Trustees may execute Deed for land sold, and how.

V. And be it enacted, That the said Trustees, in all cases where sales have been heretofore or may be hereafter for the purposes of the said Hospital effected of any of the lands set apart by the Government of the late Province of Upper Canada, and the purchase money thereof hath been, or shall be hereafter paid and satisfied with the interest which shall have accrued thereon, shall have power to execute a Deed, by the name aforesaid, to the purchaser or purchasers thereof, or person or persons entitled to demand the same, which Deed may be signed by the President or Chairman for the time being, sealed with the seal of the said Corporation and countersigned by the Secretary or Agent of the said Corporation for the time being.

Medical Students may visit and attend the wards of the Hospital.

Number and mode and term of appointment of Medical Staff.

VI. And be it enacted, That it shall and may be lawful for any medical student in the said City of Toronto to visit the wards of the said Hospital and attend them upon the payment of such fees, and under such regulations and restrictions as the said Trustees shall and may by any By-law from time to time direct and appoint, and that from and after the passing of this Act the Medical Staff of the said Hospital shall consist of not more than eight persons, to be appointed by the said Trustees, and to hold their offices during pleasure for a period renewable every two years.

Trustees may sell land.

VII. And be it enacted, That the said Trustees for the time being shall have power and authority to sell and dispose of any lot or parcel of land which may belong to the said Hospital, and which it may be deemed advantageous to sell and dispose of. And shall also have the power to execute a conveyance of the same in the manner mentioned in the Fifth Clause of this Act.

Trustees may borrow £10,000 on debentures on the security of the funds and property of the Hospital.

Proviso.

VIII. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, from time to time to borrow for the purposes of the said Hospital, such sum and sums of money, not exceeding in the whole the sum of Ten Thousand Pounds currency, as they may lawfully require for the purposes of the said Hospital, and to issue a Debenture or Debentures for the raising of such loan, in such sum or sums, at such rate of interest and for such period or periods as the said Trustees may find expedient: Provided always, that no such Debenture shall be issued for a longer period than twenty years or for a sum under One Hundred Pounds, or bear a higher rate of interest than six per cent, and that the interest thereon shall be payable half yearly

Debentures to have the effect of mortgages while any outstanding,

IX. And be it enacted, That every Debenture issued by the said Trustees under and in virtue of this Act shall have the effect of a mortgage upon all the real estate then held by the said Corporation, and that it shall not be lawful for the said Trustees, so long as any such Debenture shall be outstanding, to sell

sell or dispose of any lot or parcel of land which may belong to the said Hospital save and except for the purpose of raising funds to redeem such Debentures and to pay the interest accruing thereon from time to time ; any thing in the said Act hereinbefore first cited to the contrary notwithstanding.

and no land to be sold, except pay Debentures.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . C C X X I .

An Act to continue and extend the Act to enable the County of Welland Municipal Council to purchase the Great Cranberry Marsh, and for other purposes.

[Assented to 14th June, 1853.]

WHEREAS by the Act passed in the Session held in the Preamble.

fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the County of Welland Municipal Council to purchase certain lands in the said County, known as the Great Cranberry Marsh, and for other purposes*, it is amongst other things enacted, that the Commissioners or Building Committee therein named, or the said County Council of Welland, should make the purchase or other acquisition of the said Land, at or before the end of the present Session of the Provincial Parliament ; And whereas the said Commissioners or Building Committee, or the said County Council of Welland, have not yet fully completed the purchase or other acquisition of the said land, although the said Commissioners have entered into an agreement in writing with the Commissioners of Public Works for the purchase of the same, and have paid the first instalment of the purchase money thereon, amounting to the sum of Three Hundred and Twenty-two Pounds Sixteen Shillings ; And whereas the said Commissioners or Building Committee have by their Petition prayed that the time for completing the said purchase or other acquisition of the said Land may be extended, and it is expedient to grant the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Act hereinbefore in part recited, shall be and the same is hereby continued to the first day of January next after the passing of this Act, and thence until the end of the then next ensuing Session of Parliament.

14 & 15 V. c. 139.

The said Act continued.

II. And be it enacted, That it shall and may be lawful for the said Chairman of the said Board of Commissioners, by and with the consent of the majority of the said Commissioners immediately Mortgage to be executed to the Crown for securing

performance
of conditions.

immediately on the completion of the said purchase, to execute to the Government of this Province, at the request of and in such manner and form as shall be satisfactory to the Commissioners of Public Works, a mortgage or mortgages, in fee or other conveyance of the said land for the purpose of securing payment of any balance of the purchase money that may then remain due according to the terms of sale, with covenants for the due performance of such conditions, stipulations and agreements as are set forth and contained in the said Agreement in writing so as aforesaid, made and entered into between the said Board of Commissioners and the said Commissioners of Public Works, or of such other and further stipulations and Agreements as the said Commissioners of Public Works may reasonably exact or require, which said mortgage or mortgages or other conveyance and the covenants and agreements therein contained shall be deemed and taken to be, both at law and in equity, binding upon and recoverable against the said Provisional Municipal Council and their successors, in the same manner and to the same extent as if the same had been made or entered into by the said Provisional Municipal Council or by any Municipal Council authorized by law to make the said purchase, and to become bound for the payment of the purchase money and the fulfilment of the conditions of sale; any law to the contrary thereof notwithstanding.

Effect of such
mortgage.

Recital.

III. And whereas there is reason to believe that the sum of Three Hundred and Twenty-two Pounds Sixteen Shillings, so paid as aforesaid to the said Commissioners of Public Works, was paid by the said Board of Commissioners out of their own private means and not out of any moneys belonging to the said County; Be it therefore enacted, That the said sum shall become and constitute a debt due by the said Provisional Municipal Council to the said Board of Commissioners, and shall be repaid to them with interest thereon, at the rate of six per centum per annum, to be computed from the second day of May, in the year of our Lord one thousand eight hundred and fifty-three, at such time or times and in such manner as shall be agreed upon between the said Board of Commissioners and the said Provisional Municipal Council; Provided always, that it shall be incumbent on the said Board of Commissioners to prove to the satisfaction of the said Provisional Municipal Council that the said sum was so paid and advanced by them out of moneys other than those belonging to the said County.

Sum already
paid to be
a debt due by
the Council to
the Board of
Commis-
sioners.

Proviso.

CAP. CCXXII.

An Act to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal and other purposes.

[Assented to 14th June, 1853.]

WHEREAS the Municipal Council of the Township of Pittsburgh have by their Petition to Parliament prayed, that a certain portion of the Township of Kingston, composed of parts of the fourth, fifth and sixth Concessions of the last mentioned Township, should be annexed to the Township of Pittsburgh; And whereas it would be of public advantage to grant the prayer of the said Petition, and to make the waters of the Rideau Canal the boundary between the said Townships respectively: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all that portion of the Township of Kingston lying to the East of the Channel of the Rideau Canal shall, for Municipal and all other purposes, be attached to and form part of the Township of Pittsburgh.

Preamble.

Part of the Township of Kingston annexed to that of Pittsburgh.

Public Act.

II. And be it enacted, That this Act shall be a Public Act.

CAP. CCXXIII.

An Act to specify the time when an Act of the present Session, relating to the Townships of Kingston and Pittsburgh, shall come in force.

[Assented to 14th June, 1853.]

WHEREAS by an Act passed in this present Session, intituled, *An Act to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal and other purposes*, it is amongst other things in effect provided, that all that portion of the Township of Kingston, in the said County of Frontenac, in the Province of Canada, lying to the east of the channel of the Rideau Canal should, for municipal and all other purposes, be attached to and form part of the Township of Pittsburgh; And whereas the time when the said Act shall come in force is not mentioned therein, and it is desirable that the same should take effect from and after the thirty-first day of December, one thousand eight hundred and fifty-three: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and

Preamble.

16 V. c. 222.

and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said in part recited Act shall come in force and take effect from and after the thirty-first day of December, one thousand eight hundred and fifty-three, and not before.

When the said Act shall take effect.

C A P . C C X I V .

An Act to establish the Boundary Lines of Lots in certain Ranges in the Township of Grenville.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS instructions were issued by the Honorable the Commissioner of Crown Lands for this Province, to J. J. Roney, Provincial Land Surveyor, directing him to make a verification survey of the fifth, sixth, seventh and eighth Ranges in the Township of Grenville, and the said J. J. Roney did in due course make his return to the said instructions, and did thereby in and by his said verification survey and plan thereto, fix and determine the lines and boundaries of the said Ranges, and especially of certain Lots in the said plan mentioned, and did recommend that the whole of the side lines in the said Township, except the lines in the eighth Range, north and south, should be run in accordance with the post to post system, the same being in conformity with the original plan of the said Township, deposited in the Crown Lands Office, and in accordance with the Statute passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the survey of lands in this Province*; And whereas it is expedient to give legal effect to the said return, survey and plan, and to carry the same into operation: Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said verification survey, return and plan of the said fifth, sixth, seventh and eighth Ranges of the lots in the said Township of Grenville, shall be and are hereby declared to be in accordance with the correct and primitive survey of the said Ranges; that the side lines and division lines of the Lots in the said fifth, sixth, seventh and eighth Ranges of the said Township, as drawn and described in the said survey, return and plan, shall be and be held to be the correct side lines and division lines of and between the

12 V. c. 35.

The survey and return mentioned in the preamble declared valid and effective.

Lots

Lots therein, in and under and according to which the grants of lands in the said Ranges heretofore made, shall be held and are hereby declared to have been originally made ; and further that all and every the proprietors of lots included in the said Ranges described and drawn in the said verification survey or affected by the same, shall be and are hereby declared to have been and to be the rightful and true owners of the said lots as included within the said side lines, and as fully entitled thereto as if the said lots had been described in the patents therefor, in the same manner as they are bounded, described and shewn in the said survey and return and plan of the said J. J. Roney ; any thing in any Act or law to the contrary thereof notwithstanding.

II. And be it enacted, That a copy of the said verification survey, return and plan, or of either of them, certified under the signature of the Commissioner of Crown Lands for the time being, shall be and be held to be authentic proof thereof, and of the contents thereof, without proof of the said signature, in all Courts of Justice in Lower Canada ; and any such copy, certified as aforesaid, and deposited in the Registry Office of the County in which the said lands are situate, shall be held to be authentic for all intents and purposes whatsoever.

Copies thereof
duly certified
to be evi-
dence, &c.

C A P . C C X X V .

An Act to confirm certain titles in the Township of Aldborough, and rectify difficulties which have arisen from an erroneous Survey.

[Assented to 14th June, 1853.]

WHEREAS in projecting the Survey of the Township of Aldborough, in the County of Elgin, it was intended that the western boundary thereof should abut immediately upon the eastern boundary of the lands originally reserved for the Moravian Indians, and now known as the Township of Orford, but that on carrying the Survey into effect, George Parrin Law, the Surveyor employed on the occasion, surveyed and established a line (which still bears his name) as the west boundary of Aldborough, and of Lots number one through the Broken Front, first and second Concessions, and situated at the distance of about fifty-five chains fifty links eastward of the eastern boundary of Orford, leaving an intermediate space between the Lots number one in Aldborough, and the said boundary of Orford, which space was in or about the year one thousand eight hundred and three, divided by Deputy-Surveyor William Hambly, into Lots which were marked A. and B., and have been granted by patent under that designation, which designation was maintained through to the rear of the sixth Concession ; And whereas by Surveys of examination conducted by Deputy-Surveyors Peter Carroll and Daniel Hanvey, it has been ascertained that generally the settlers have occupied

as

as though the Lots numbers one in the Broken Front and first and second Concessions abutted upon the actual eastern boundary of Orford, an impression induced by the description of the metes and bounds inserted in the patents first issued; and further, that in the third, fourth, fifth and sixth Concessions the settlers have occupied, allowing for Lots A. and B. intervening between the said line of Orford and the Lots numbers one, two, three, four, &c., and that in the Gore between the sixth and seventh Concessions, and likewise in the seventh Concession, the settlers have occupied, allowing for lettered Lots A., B., C. and D. intervening between the said boundary of Orford, and the numbered Lots numbers one, two, three, four, &c., and it appears advisable under the circumstances aforesaid, and with a view to avoid litigation, to declare and determine by Legislative enactment the designation and position of the numbered and lettered Lots in the said northern part of the Township of Aldborough: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in the Broken Front, the first Concession, and the second Concession of the western division of the said Township, the westernmost Lot adjoining the eastern boundary of the Township of Orford, in each of those Concessions respectively, shall be and the same is hereby declared to be Lot number one, and that the successive Lots extending eastward thereof shall be numbered continuously from number two to number seventeen, both inclusive.

How the lots shall be numbered in Broken Front and concessions 1 and 2, west division.

Numbers and letters in concessions 3, 4, 5 and 6 west division.

II. And be it enacted, That in the third, fourth, fifth and sixth Concessions of the said western division of the said Township adjoining the eastern boundary of Orford, the following arrangement shall be in like manner adopted, that is to say: commencing on the said boundary, and extending eastward—Lot A., Lot B., Lot one, otherwise C., Lot two, or D., and then continuously numbering from Lot number two to Lot number fifteen, both inclusive.

In the Gore between 6 and 7, and in concession 7 west division.

III. And be it enacted, That in the Gore between the sixth and seventh Concessions, and also in the seventh Concession of the said Township, the following arrangement shall in like manner be adopted, that is to say: commencing at the eastern boundary of Orford, with Lot A., Lot B., Lot C. and Lot D., and extending eastward, and numbering successively from number one to number thirteen, both inclusive, on the said Gore, and from number one to number twenty-four, inclusive, in the said seventh Concession.

IV.

IV. And be it enacted, That in Concession B., Concession A., and the first, second, third and fourth Concessions, in the eastern division of the said Township, the following arrangement shall in like manner be adopted, that is to say : the Lot number seventeen shall be recognized as the westernmost Lot in the said Concessions, the numbers shall then follow consecutively to Lot number twenty-three, inclusive, to which shall then succeed Lots lettered X., Lot number twenty-four, and then Lots Y and Z.

In concessions A and B, and 1, 2, 3 and 4, east division.

V. And be it enacted, That the line between the first and second Concessions of the said western division of the said Township, surveyed in the year one thousand eight hundred and thirty-two, by the aforesaid Deputy Surveyor Peter Carroll, under instructions from the Surveyor General of Upper Canada, shall be, and the same is hereby declared to be, the true and unalterable boundary between the said Concessions, any boundary line previously surveyed between them to the contrary notwithstanding.

True line between concessions 1 and 2, west division.

VI. And be it enacted, That within two years from the passing of this Act, it shall be the duty of the Municipal Council of the said Township of Aldborough, to cause permanent stone boundaries to be affixed by a duly licensed Surveyor, at the angles of all the Lots in that part of the said Township affected by the provisions of this Act, and it shall and may be lawful for the Municipal Council to defray the expense thereof by assessment to be rated and levied for that purpose.

Township Council to cause stone boundaries to be put up.

VII. And be it enacted, That it shall and may be lawful for the Governor in Council to compensate by granting an equivalent in lands, any person or persons who may be deprived of their lands or suffer loss, in consequence of the provisions contained in this Act for arranging the difficulties arising from irregular Surveys, or for securing the settlers in the lands they occupy ; any thing contained in the twenty-eighth Section of an Act passed in the Session of the Provincial Parliament, held in the fourth and fifth years of Her Majesty's Reign, chaptered one hundred, intituled, *An Act for the disposal of Public Lands*, to the contrary thereof notwithstanding.

Compensation for loss of land under this Act.

4 & 5 V. c. 100.

VIII. And be it enacted, That nothing in this Act contained shall be construed to have the effect of conferring any title, or of perfecting any title now insufficient and imperfect, but its purpose shall be held to be to affix by authority of Parliament, such designation to the various Lots comprehended by this Act, as shall harmonize as far as practicable with the system under which the settlers have generally gone into occupation.

Act not to confer titles.

IX. And be it enacted, That it shall be the duty of the County Register, County Treasurer and Township Officers of the

Certain officers to the

adapt their records to this Act.

the said Township of Aldborough, to adapt their office records to the arrangement provided for by this Act, and the diagram to be furnished to them by the Commissioner of Crown Lands and to be drawn in conformity to this Act, and to affix the requisite explanation to such records, and likewise to manage the assessment of Lands and the collection of local taxes in accordance therewith.

External boundaries of Township.

X. And be it enacted, That the external boundaries of the Township of Aldborough, shall be held to be,—the boundary line of this Province on Lake Erie on the South, the River Thames on the North, the Township of Dunwich and prolongation of the western boundary thereof on the East, and the Township of Orford and prolongation of the eastern boundary thereof on the West,—the boundary surveyed and marked by Deputy-Surveyor George Parrin Law, to the contrary notwithstanding.

Public Act.

XI. And be it enacted, That this Act shall be a Public Act.

C A P . C C X X V I .

An Act to divide the Townships of Yonge and Escott in the United Counties of Leeds and Grenville.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Townships of Yonge and Escott, in the United Counties of Leeds and Grenville, for some time previous to the tenth day of February, one thousand eight hundred and forty-five, formed one Township, and since that period have been disunited; And whereas divers Inhabitants of the said Townships of Yonge and Escott have represented by their Petition, that on account of the geographical position of the said Townships, much inconvenience is felt in conducting public business, and have prayed that the said Townships may be divided as hereinafter mentioned; And whereas it is desirable to grant the prayer of such Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the first day of January next after the passing of this Act, the sixth, seventh, eighth, ninth, tenth and eleventh Concessions of the Township of Yonge, and the seventh, eighth, ninth and tenth Concessions of the Township of Escott, shall, for all Municipal and Election purposes, be united together, and form a Township, to be called the "Rear of Yonge

Rear of Yonge and Escott to form one Township, and Front of Yonge and Escott another.

Yonge and Escott," and that the remainder of the said Townships of Yonge and Escott, together with the Islands in the River St. Lawrence, at present forming part of these Townships, shall, for the like purposes, be together united and form a Township, to be called the "Front of Yonge and Escott."

II. And be it enacted, That the Polls to be taken for the said Townships respectively at any Election of a Member or Members to serve for the County or Riding within which the same are situate, in the Legislative Assembly of this Province, shall be held and taken at such place, in the said Townships respectively, as the same would have been held had this Act been passed and in force before and at the time of the introduction into the Parliament of this Province of the Act of the Parliament thereof, passed during its present Session, intituled, *An Act to enlarge the Representation of the People of this Province in Parliament.*

How the Polls shall be taken in the said new Townships.

16 V. c. 152.

III. And be it enacted, That for the purposes of the Municipal Election next after the passing of this Act, the Town Clerk for Escott shall act as Returning Officer for the Front of Yonge and Escott, and the Town Clerk for Yonge shall act as Returning Officer for the Rear of Yonge and Escott; and that such Town Clerks respectively shall procure for these purposes the necessary copies of so much of the Collectors' Rolls of the present Townships of Yonge and Escott as shall relate to the inhabitants of the said Townships as divided by this Act, and that the present divisions of the said Township of Yonge into Wards shall, from and after the thirty-first day of December next, be abolished; and the next Municipal Election for the Front of Yonge and Escott shall be held at Mallorytown, and that for the Rear of the said Townships, at Farmersville.

Who shall be Returning Officers at first Municipal Elections in the new Townships. They shall procure copies of Collectors' Rolls.

Places of Election.

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

An Act to vest in the Board of Works, a certain portion of Church Street in the Town of London.

[Assented to 14th June, 1853.]

WHEREAS John Carling and others, of the Town of London, have by their Petition represented, that they are proprietors of certain lots in the said Town, bounded on the West by Church Street, and that the said Street has become entirely useless to the Public, in consequence of a new Street called Sarnia Street, having been opened several years ago by the Board of Public Works in the vicinity of and parallel with the said Church Street, through property also belonging to the said Petitioners, and that no compensation has been made to them for their property so taken to form Sarnia Street, and have in consequence prayed, that that part of Church Street which runs along the west side of their said lots be vested in them respectively, and it is expedient to grant compensation to the said

Preamble.

John Carling and William Carling, or any other proprietors to whom compensation has not been made in that respect : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of Church Street aforesaid which runs along the west side of lots numbers fourteen, fifteen, sixteen and seventeen, in the said Town, shall be and is hereby vested in the Commissioners of Public Works, and it shall be lawful for the said Commissioners to sell and convey to the said John Carling and William Carling, two of the said Petitioners, and their heirs and assigns for ever, that part of the said Street which runs along the west side of lots numbers fourteen and fifteen in the said Town, freely and absolutely without condition, or upon such terms as shall be fair and equitable, taking into consideration the property taken to form Sarnia Street as aforesaid, and further to sell and convey to William Renwick and James S. Thompson respectively; his or their heirs, executors, administrators or assigns, that part of the said Street in front of the lots sixteen and seventeen for a fair and reasonable consideration therefor, and the said John Carling and William Carling, William Renwick and James S. Thompson, their heirs, executors, administrators and assigns, shall hereafter cease to have any claim whatsoever for or in respect of the land formerly owned by them and taken as aforesaid to form part of Sarnia Street.

A certain part of Church Street vested in the Commissioners of Public Works, who may sell and convey part to Messrs. Carling and another part to Messrs. Renwick and Thompson.

Public Act.

II. And be it enacted, That this Act shall be a Public Act.

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

An Act to confirm a certain Allowance for Road in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such Allowance.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS at the period of the Survey of the Township of Monaghan, in the County of Peterborough, by Deputy Surveyor Samuel Wilmot, in the year one thousand eight hundred and seventeen, the western boundary thereof, by which it was intended that the division lines of the respective Lots should be governed, was run and established on a course of north sixteen degrees west ; And whereas in subdividing into Park Lots attached to the Town of Peterborough, the Lot number thirteen, in the twelfth Concession of the said Township of Monaghan, Deputy Surveyor Richard Birdsall, the Surveyor employed

employed in the year one thousand eight hundred and twenty-five on that service, laid off an allowance for Road as the rear boundary of the said Park Lots, on a course of north sixteen degrees thirty minutes west, which in its course from the front to the rear of those Concessions, diverges westerly, and encroaches upon the Lot number twelve in the said twelfth Concession; And as to disturb the said authorized Survey of the Park Lots, would be productive of serious and injurious consequences, and calculated to impair confidence in titles to land based upon surveys executed under Official sanction, Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the allowance for Road surveyed at the time aforesaid by Deputy Surveyor Richard Birdsall, by direction of the Surveyor General of the late Province of Upper Canada, as dividing the Park Lots attached to the Town of Peterborough and laid out upon Lot number thirteen in the twelfth Concession, from Lot number twelve in the said twelfth Concession of the Township of Monaghan, shall be the true and unalterable allowance for Road between the said Lots numbers twelve and thirteen in the above named Concession, and that the western limit of the said Road allowance shall be deemed to be the eastern limit of the said Lot number twelve, and that the eastern limit of the said Road allowance shall be deemed to be the rear boundary of the Park Lots, numbering from number one to number ten inclusive in the said twelfth Concession.

Birdsall's allowance for road declared to be the true one and unalterable.

II. And be it enacted, That it shall and may be lawful for the Governor in Council, after due investigation had, to compensate the proprietors of land granted as Lot number twelve in the twelfth Concession of the said Township of Monaghan, for such losses as they may prove that they have sustained by the operation of the provisions of this Act, by assigning to them an equivalent in value from the ordinary Public Lands of this Province; any thing contained in the twenty-eighth Section of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for the disposal of Public Lands*, to the contrary thereof notwithstanding.

Compensation to those who may lose land by this Act.

4 & 5 V. c. 100.

III. And be it enacted, That it shall be the duty of the Municipal Council of the Township of Monaghan, within one year from the passing of this Act, to cause permanent monuments to be established, under the direction of a Deputy Surveyor, at the various angles of the several Park Lots, abutting in rear upon the allowance for Road herein referred to, and the said monuments

Township Council to cause stone boundaries to be placed.

And to levy a rate to defray the expenses.

monuments shall be placed as nearly as may be in the exact position contemplated in Deputy Surveyor Birdsall's survey ; And it shall be lawful for the said Municipal Council to enforce and levy a rate to defray the expense of such survey and of the affixing of monuments, upon the inhabitants of the Township of Monaghan, or upon such of them, or upon such proprietors of land or their property as they may deem just and right, and a Map and Report of the Surveyor who shall be employed by the said Municipal Council shall be lodged by him as a Public Record in the Office of the Commissioners of Crown Lands.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act.

C A P . C C X X I X .

An Act to invest certain portions of East York street, East Bathurst street, and Wellington street in the Town of London, in the Great Western Railway Company.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Streets in the old Survey in the Town of London, in the County of Middlesex, are one chain wide, and those in the new Survey two chains, as laid out ; And whereas the Town Council of the said Town have petitioned the Legislature to reduce the width of certain Streets in the said new Survey : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Great Western Railway Company, to inclose and hold thirty-three feet more or less, or so much of the South side of East York street, and thirty-three feet more or less, or so much on the North side of East Bathurst street, and thirty-three feet on the West side of that portion of Waterloo street lying between East York street and East Bathurst street, on the new Survey, to the full extent of the said Company's Depôt Grounds, the said inclosure on East York street and East Bathurst street, shall be so much and no more, as will continue the Southern line of York street, and the Northern line of Bathurst street on the old Survey, and the said land so inclosed shall be vested in the Great Western Railway Company and their assigns for ever.

The Great Western Railway Company may inclose certain portions of certain streets as part of their Depôt Ground.

Public Act.

II. And be it enacted, That this Act shall be a Public Act.

C A P . C C X X X .

An Act to establish the Boundary of Lots in the West Gore in the Township of Beverly.

[Assented to 14th June, 1853.]

WHEREAS instructions under date of the tenth of August, Preamble.
 one thousand seven hundred and ninety-seven, issued from the Surveyor General of the late Province of Upper Canada, to Deputy Surveyor John Stegman, directing him to make a Survey of the lines in front of the Sixth, Seventh, Eighth, Ninth and Tenth Concessions of the Township of Beverly; and the said John Stegman did in due course make returns in the usual form by Field Notes and Maps, purporting to shew that the Survey had been fully performed, and that he had laid out the said Concessions into Lots, giving to each the intended breadth of twenty chains, and had also surveyed and marked off the West Gore of the said Township of Beverly; And whereas from operations of Survey conducted by Deputy Surveyors Adrian Marlett, Andrew Miller, Lewis Burwell, James Kirkpatrick and Publius V. Elmore, there is reason for believing that Deputy Surveyor Stegman positively surveyed but a limited number of the Lots in those Concessions, and that the first subdivision of a large portion of those Concessions into Lots was actually effected by Surveyors other than the said John Stegman, and acting without authority from the Government, and that their irregular and illegal Surveys, by an assumed and unauthorized power exercised by the boundary line Commissioners of the District of Gore, appointed under the Act of Upper Canada, first Victoria, Chapter nineteen, 1 V. c. 19.
 were fixed and determined as Boundary or division lines, Act of U. C.
 notwithstanding that the first authorized Survey subsequent to that by Mr. Stegman, was effected at a later period by Deputy Surveyor James Kirkpatrick, under instructions from the Surveyor General, dated twenty-sixth September, one thousand eight hundred and thirty-six; And whereas the settlers in the before named Concessions of the Township of Beverly have not entered into possession of their Lots, in accordance with the authorized public Surveys made by Deputy Surveyor James Kirkpatrick, but have been guided by the Surveys which they primarily upon their own responsibility procured to be performed, and the said Boundary Commissioners subsequently recognized; and inasmuch as to disturb those Surveys, although irregularly instituted, would be productive of injurious consequences to the settlers at large, Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority
 of

The survey made by James Kirkpatrick, D. S., set aside.

of the same, That the public Survey accomplished by Deputy Surveyor James Kirkpatrick, under instructions from the Surveyor General, bearing date the Twenty-sixth of September, one thousand eight hundred and thirty-six, shall be and is by this Act set aside and declared to be null and void, except in so far as shall in this Act be otherwise provided for.

A Survey of lines in front of 6th and 7th Concessions by Lewis Burwell, and certain boundaries placed by him, to constitute the legal survey thereof.

II. And be it enacted, That so much of the lines in front of the Sixth and Seventh Concessions of the said Township of Beverly, as were left unfinished by Deputy Surveyor John Stegman, extending in the Sixth Concession from the easterly limit of Lot number Five to the Western Boundary of the Square Township, and in the Seventh Concession from the westerly limit of Lot number Two to the said Western Boundary, and which were completed by Deputy Surveyor Lewis Burwell, without the authority of Government but upon his own responsibility, in or about the year one thousand eight hundred and twenty-nine, shall constitute the true and unalterable Boundary lines of the said Concessions respectively; and that the posts or monuments planted in the said lines by the said Lewis Burwell, or by the said Boundary Line Commissioners, to mark the limits of the Lots in the said Sixth and Seventh Concessions, shall be and the same are hereby declared to be the true and unalterable limits of the said Lots respectively; and that the limit between the Lot number One in the said Sixth Concession, and the Lot F in the aforementioned West Gore, drawn between them by Deputy Surveyor Andrew Miller, in or about the year one thousand eight hundred and thirty-one, shall be the division line between that part of the Square Township and the said West Gore; and that a point distant twenty chains, on a course south seventy-seven degrees west, from the monument established by the Boundary line Commissioners as the south-east angle of Lot number One in the said Seventh Concession, shall constitute the Boundary between the said Lot number One and the West Gore of the said Township.

Survey of part of line in front of 8th Concession by James Kirkpatrick, D. S. to constitute the legal survey thereof.

III. And be it enacted, That so much of the line in front of the Eighth Concession of the said Township as was left unfinished by Deputy Surveyor John Stegman, extending from Lot number Thirty to the western Boundary of the Square Township, and which was completed by Deputy Surveyor James Kirkpatrick, from the said Lot number Thirty to number Twenty-two, under an Order in Council of Sixteenth of June, one thousand eight hundred and thirty-six, and from thence westward without instructions from the Surveyor General but as employed by the Inhabitants, and upon his own and their responsibility, and which Survey was on the Ninth of March, one thousand eight hundred and thirty-nine, identified and confirmed by the Boundary line Commissioners for the District of Gore, shall be and shall constitute the true and unalterable Boundary line thereof; and that the posts or monuments planted

planted in the said line by the said James Kirkpatrick or by the said Boundary line Commissioners to mark the limits of the Lots in the said Eighth Concession, shall be, and the same are hereby declared to be, the true and unalterable limits of the said Lots respectively: and that a point distant twenty chains, south Seventy-seven degrees west, from the monument established by the said Commissioners as the south-west angle of Lot number Two in the said Concession, shall be the Boundary between the Lot number One and the West Gore.

IV. And be it enacted, That so much of the line in front of the Ninth Concession of the said Township, as was left unfinished by Deputy Surveyor John Stegman, extending from Lot number Thirty-five to the western Boundary of the Square Township, and was completed by Deputy Surveyor James Kirkpatrick from the said Lot number Thirty-five to Lot number Twenty-six, under an Order in Council of Sixteenth of June, one thousand eight hundred and thirty-six, and from thence westward, without instructions from the Surveyor General, but while employed by the inhabitants and upon his and their responsibility, and was identified and confirmed by the Boundary Line Commissioners on the Ninth of March, one thousand eight hundred and thirty-nine, shall be and shall constitute the true and unalterable Boundary Line thereof; and that the posts or monuments planted in the said line by the said James Kirkpatrick or by the said Boundary Line Commissioners, to mark the limits of the Lots in the said Ninth Concession, shall be, and the same are hereby declared to be, the true and unalterable limits of the said Lots respectively; and that a point twenty chains, south seventy-seven degrees west, from the monument established as the south-east angle of Lot number One in the said Concession, by the said Commissioners, shall be the Boundary between the Lot number One and the West Gore.

Survey of part of line in front of 9th Concession by James Kirkpatrick, to constitute the legal survey thereof.

V. And inasmuch as there is reason to believe that the Line in front of the Tenth Concession of the said Township of Beverly, was not surveyed and marked by the said John Stegman, Be it enacted, That the Line in front thereof surveyed by Deputy Surveyor James Kirkpatrick, from Lot number Thirty-six to number Twenty-one, under an Order in Council of Sixteenth of June, one thousand eight hundred and thirty-six, and the remainder from number Twenty-two to the south easterly angle of Lot number One, at the instance of the inhabitants and upon his and their responsibility, and which was identified and confirmed by the Boundary Line Commissioners on the Ninth of March, one thousand eight hundred and thirty-nine, shall be and constitute the true and unalterable Boundary Line thereof; and that the posts or monuments planted in the said line by the said James Kirkpatrick, or by the said Boundary Line Commissioners, to mark the limits of the Lots in the said Tenth Concession, shall be, and the same are hereby declared to be the true and unalterable limits of the said Lots respectively;

Survey of Lots from No. 36 to No. 21, and from No. 22 to No. 1, in tenth Concession, by James Kirkpatrick, to constitute the legal survey thereof.

respectively; and that a point distant twenty chains, on a course south seventy-three degrees west, from the south-easterly angle of the said Lot number One, shall constitute the Boundary between the said Lot number One and the West Gore.

Extent of
general divi-
sion line be-
tween Square
Township and
West Gore.

VI. And be it enacted, That the general division line between the Square Township and the West Gore, shall extend in direct courses from where Deputy Surveyor Andrew Miller's Line, surveyed by him in the year one thousand eight hundred and thirty-one, strikes the rear of the Sixth Concession, and from thence to the point established by this Act as the limit in front of the Seventh Concession between Lot number One and the West Gore, and from thence to the point established by this Act as the limit in front of the Eighth Concession between Lot number One and the West Gore, from thence to the point in front of the Tenth Concession established by this Act as the limit between Lot number One and the West Gore, and from thence on a course parallel to the Eastern Boundary Line of the said Tenth Concession to the rear thereof.

Division lines
between lots
in the 6th,
7th, 8th, 9th
and 10th Con-
cessions.

VII. And be it enacted, That the division or side lines between the various numbered Lots in the Sixth, Seventh, Eighth, Ninth and Tenth Concessions of the said Township of Beverly, shall be drawn and established parallel to the eastern Boundary Lines of the said Concessions respectively.

Recital.

VIII. And whereas, in consequence of the provisions of this Act, intended to confirm the holders of land within the Square Township in the possession of the lands which they have long occupied, the proprietors of lands granted as in the West Gore of Beverly, will be deprived of lands granted or intended to be granted to certain individuals from whom they have derived the title and claims under which they hold; And whereas in the private Surveys referred to in this Act which were originated by the inhabitants of the said Township of Beverly, and performed by Surveyors employed by them, but which it is the intention of this Act to legalize, many Lots have been laid off with a wider frontage and have received a larger quantity of land than it was intended by the Patents under which they were granted that they should contain; and inasmuch as had a correct subdivision been made, there would have been an ample sufficiency of land to have given to all the grants, both in the Square Township and in the West Gore, their full complement of land, and it is consistent with equity that those who have benefited or may benefit by the decree of the Boundary Line Commissioners hereinbefore referred to, or by grants made in the said Gore being circumscribed or reduced in extent in consequence of the excess in quantity which they have acquired, and whose titles will be confirmed by this Act, should contribute their due proportion towards compensating those who have suffered or may suffer loss in the premises; Be it therefore enacted, That the Commissioner of Crown Lands for the time being, and
two

two other persons to be appointed by the Governor, shall be Commissioners to ascertain within twelve months after the passing of this Act, the losses over and above the amount, if any, both awarded and paid under the decree of the Boundary Line Commissioners, dated the ninth day of March, one thousand eight hundred and thirty-nine, sustained by the proprietors of land and property situated within the limits of the West Gore of the said Township, as originally described in the Letters Patent granting the same, and also the surplus quantity of land which will be held under the provisions of this Act, by the various proprietors of land in the sixth, seventh, eighth, ninth and tenth concessions respectively, of the said Township of Beverly; and the said Commissioners, or a majority of them, shall report the result of their inquiries, shewing the loss sustained by each such proprietor of land and property in the said West Gore, who shall be found to have sustained loss from the operation of the provisions of this Act, specifying in each case, the quantity of land lost and the value of the improvements thereon made by such proprietors respectively; and shewing also in each case the quantity of land gained by each party holding land in the said sixth, seventh, eighth, ninth or tenth concessions, by the operation of the provisions of this Act, over the quantity mentioned in the original Letters Patent for his Lot, and the sum to be paid by each such party, for the surplus land gained by him, which sum shall be calculated at the rate of One Pound Ten Shillings per acre, (being the present average price of wild lands in the same Township,) and a copy of the said report, certified by the Commissioner of Crown Lands, shall be transmitted by him to the Town Reeve of the said Township of Beverly.

Commissioner of Crown Lands and two others, to ascertain the amount to be paid as compensation to owners of land in the West Gore, by the owner in certain Concessions.

Copy of Report to be transmitted to Town Reeve.

IX. And be it enacted, That the sum to be paid by any party under the provisions of the next preceding Section shall be payable to the Municipality of the said Township of Beverly, and may be collected by the Collector of the said Township in like manner as money due for rates or taxes in the said Township and may be recovered by the said Municipality as a debt due to it; and it shall be the duty of the Council of the said Municipality, and of the Reeve, Collector, Treasurer, or other Officer thereof, to collect and enforce payment of the said sums within eighteen months from the passing of this Act; And the said Council shall, within two years from the passing of this Act, distribute and cause to be paid over to the proprietors of lands in the said West Gore, the sums to which the said parties shall have been found to be fairly entitled, or such proportion thereof as the moneys collected will enable them to pay, after deducting the usual allowance to the Collector and Treasurer, and the balance, if any, of the sum awarded to each such party shall be allowed to him in payment of the price of such quantity of wild lands of the Crown as shall amount to the said balance, reckoning the price of such lands at the Government price thereof for the time being; and such party shall be entitled to select such quantity in any place where Crown Lands shall be

The said compensation to be collected as a debt to the Township, and paid over to the proper parties.

Balance to be allowed to such parties in payment of wild lands.

offered

offered for sale, and the Governor may make a grant of such lands to such party without any conditions of settlement.

Commissioners may enter upon lands in order to ascertain as aforesaid.

X. And be it enacted, That it shall and may be lawful for the said Commissioners, for the purposes aforesaid, to make entry on any or all of the farms or lands of any of Her Majesty's subjects lying and being in, or near to the said Township or Gore of Beverly, where it may be necessary to make any such examination and survey as aforesaid, and to place any posts or marks thereon for the purposes of this Act, without being liable to any action at law as trespassers.

Commissioners to take evidence.

XI. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required, well and truly to inquire into all matters of fact necessary for directing their judgment as to their award, and by all such lawful ways and means as are incident to a Court of Civil Jurisdiction, to compel the attendance and appearance of witnesses necessary in the investigation, and the production before them of all or any deeds, books, maps, diagrams, or other documents or evidence in any way relating to the matters in controversy, as well as to tender and administer to such witnesses any oath or oaths pertinent to the subject matter.

Another may be appointed to fill any vacancy.

XII. And be it enacted, That in case the said Commissioners, or any one or more of them shall die, or shall decline to act, or become incapable of acting, it shall be lawful for the Governor of this Province to appoint another or others to act in his or their stead.

Payment to Commissioners, except Commissioner of Crown Lands.

XIII. And be it enacted, That it shall and may be lawful for the said Commissioners, except the Commissioner of Crown Lands, to receive for each and every day they may be employed in carrying out the provisions of this Act, the sum of Twenty Shillings currency, and also the expenses by them necessarily incurred for the purposes of this Act; to be paid to them by the Commissioner of Crown Lands, out of the moneys in his hands arising from the sale of Crown Lands.

Two Commissioners may act.

XIV. And be it enacted, That any two of the Commissioners under this Act may exercise any or all of the powers hereby vested in the said Commissioners, and any award made or other thing done by any two of them, shall have the same force and effect as if made or done by the three Commissioners; any thing herein to the contrary notwithstanding.

Twenty years undisturbed possession not to prevail against Decree of Commissioners.

XV. And be it enacted, That undisturbed possession, although it may have existed for a period of twenty years or upwards, shall not be held to prevail against the decree of the Boundary line Commissioners for the District of Gore hereinbefore referred to, nor shall it enable individuals whose holdings were affected by such decree to avoid compliance therewith, provided that the conditions

conditions expressed therein having reference to property transferred thereby to parties not in possession previously to the date thereof, be fulfilled.

XVI. And be it enacted, That nothing in this Act contained shall be construed to have the effect of conferring any title or perfecting any title now insufficient or imperfect, except only in so far as may be effected by the confirmation and legalization generally of such of the proceedings of the said Boundary line Commissioners as relate to the Square Township, and with respect to which they exceeded the powers conferred upon them by the Act of Upper Canada, passed in the first year of Her Majesty's Reign, Chaptered Nineteen, intituled, *An Act to authorize the establishment of Boards of Boundary line Commissioners within the several Districts of this Province.* No title conferred or perfected by this Act. 1 V. c. 19.

XVII. And be it enacted, That this Act shall be a Public Act.

C A P . C C X X X I .

An Act to repeal an Ordinance therein mentioned, intituled, *An Ordinance for regulating the Markets of the Towns of Quebec and Montreal*, so far as respects the City of Quebec.

[Assented to 14th June, 1853.]

WHEREAS it is right and necessary to repeal the Ordinance hereinafter mentioned, in so far as the same affects the City of Quebec: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That a certain Ordinance made by the Captain General and Governor in Chief of the late Province of Quebec, by and with the advice and consent of the Legislative Council of the said Province, in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, *An Ordinance for regulating the markets of the Towns of Quebec and Montreal*, shall be and the same is hereby repealed, in so far as the said Act relates to the said City of Quebec. Preamble. Ordinance 17 G. 3, c. 4 repealed, as regards Quebec and Montreal.

CAP. CCXXXII.

An Act to authorize the City of Quebec to raise a Loan to consolidate their debt.

[Assented to 14th June. 1853.]

Preamble.

3 & 4 V.
c. 35.

Corporation
may raise a
further sum.

Total debt
never to
exceed
£150,000,
exclusive of
water works
debt.

WHEREAS by the Ordinance of the Special Council for the affairs of the late Province of Lower Canada, made and passed in the Session thereof held in the third and fourth years of Her Majesty's Reign, intituled, *An Ordinance to incorporate the City and Town of Quebec*, it is ordained and enacted, That it shall not be lawful for the Council of the City of Quebec to borrow on the credit of the said City any sum of money exceeding the aggregate amount of the revenues of the said City for five years; And whereas it is necessary to make provision for the consolidation of the debt of the said City, and to determine clearly the amount of loans which may be contracted by the said City, independent of the Water Works debt of the said City, and to provide for the repayment of the sums so borrowed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in addition to any portion of the sums which the said Corporation is now authorized to borrow, and which may remain unborrowed at the time of the passing of this Act, and apart from what the said Corporation is authorized to borrow for Water Works, it shall be lawful for the said Corporation to borrow from time to time, under the provisions of this Act, such further sum as may be necessary to pay off any part of their debt, (the Consolidated Debt) of the said City apart from the Water Works Debt, which shall be overdue or which they shall deem it advantageous to the City to pay off; provided, that the total amount of the debt of the said City, exclusive of that incurred or to be incurred for the construction of Water Works as aforesaid, shall never exceed the amount of One Hundred and Fifty Thousand Pounds, except for such short intervals of time as must necessarily occur between the borrowing of any sum for the purpose of paying off any sum due by the Corporation, and the actual paying off of the same, and then only by such sum as shall be actually in the hands of the Treasurer, or at the call and disposal of the Corporation, with the intent and for the sole purpose of its being used for paying off any such sum as aforesaid owing by the Corporation.

Provisions
applicable to

II. And be it enacted, That any sum which the said Corporation is empowered to borrow under this Act, may be borrowed

borrowed either in this Province or elsewhere, and the principal and interest thereof may be made payable, either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to the Debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

former loans to apply to that under this Act.

III. And be it enacted, That it shall also be lawful for the said Corporation to grant Bonds for Terminable Annuities to parties from whom they shall borrow any sum of money under the authority of this Act, instead of issuing to such parties Debentures of the nature mentioned in any preceding Act or Acts; and any such Annuity may be made payable either in this Province or in any other Country, and either in the Currency of this Province, or in that of the Country in which the same shall be payable, and the amount of any such Annuity, and the term during which it shall be payable may be such as shall be agreed upon by the Corporation of the said City, and the other party interested, any law to the contrary notwithstanding; and any such Annuity may be made payable to the Bearer of the Bond or of the proper *Coupons*, and either by yearly or half yearly payments, and generally the provisions of former Acts, as to such Debentures as aforesaid shall be applicable, so far as the case will admit, to Bonds for Terminable Annuities to be issued under this Act; Provided always, that in calculating the amount of the Debt of the said City, for the purpose of ascertaining whether the amount limited by this Act has or has not been exceeded, each such Bond shall be reckoned as representing an amount of Debt equal to the sum which the Corporation obtained for it; And provided also, that the term for which any such annuity shall be granted shall not exceed twenty years.

Corporation may grant Bonds for Terminable Annuities.

They may be payable to bearer.

Proviso.

Proviso.

IV. And be it enacted, That any Debenture or Bond issued by the said Corporation after the passing of this Act, shall be held to form part of the Consolidated Debt of the said City, whether it be issued to any party actually making a new Loan to the Corporation or to a party taking such Debenture or Bond in exchange for another or others issued before the passing of this Act, and forming part of the said General Debt.

Debentures issued hereafter to form part of consolidated debt.

V. And be it enacted, That it shall be lawful for the said Corporation to call in all Debentures or Bonds issued before the passing of this Act, the principal sum secured by which may be overdue; and such calling in shall be by advertisement inserted three times at intervals of two weeks in the *Canada Gazette* in both languages, and three times at intervals of two weeks in some newspaper published in the said City in the English language, and in some newspaper there published in the French language; and after the day named in such advertisement,

Corporation may call in Debentures overdue.

advertisement, (which shall not be before the time at which the last insertion thereof may be made as aforesaid,) no interest shall be payable by the said Corporation on any Debenture or Bond so lawfully called in and not presented for payment on or before the day named as aforesaid.

Sinking Fund established.

VI. And be it enacted, That it shall be the duty of the Treasurer of the City of Quebec, before the Quarterly Meeting of the Council of the said City, in the month of March, in the year one thousand eight hundred and fifty-four, and in each year thereafter, to take from and out of the annual revenues and funds of the Corporation of the said City of Quebec, before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent. on the then outstanding Consolidated Debt of the City, secured otherwise than by Bonds for Terminable Annuities, which said sum of money the said City Treasurer shall keep apart from all other moneys, to be invested and applied under the orders of the City Council, solely and exclusively as a Sinking Fund, towards the extinction of that portion of the said Consolidated Debt secured otherwise than by Bonds for Terminable Annuities; it shall also be the duty of the said Treasurer at the same time to take from and out of the annual revenues and funds of the said City before the payment of any appropriation whatsoever of the said revenues or funds, such sum of money as will be sufficient to pay all the sums then due or to become due during the then next six months for Terminable Annuities granted under this Act; and it shall be the duty of the Mayor, or person acting as such for the time being, and of the Councillors of the said City, to see that the provisions of this Section be strictly carried out in each year, by the persons whose duty it is to carry out the same, and within the time prescribed therein, and that the sum set apart as a Sinking Fund be invested without delay in the Public Provincial Securities, or in the Stock of such of the Chartered Banks of this Province, as shall afford the most ample security and be the most advantageous to all the parties concerned; and that any sum so set apart for the payment of Terminable Annuities be invested in the most advantageous manner consistent with its being at the command of the Treasurer, when required to pay such Annuities: And it shall be the duty of the City Treasurer to place before the Council, at its First Meeting in the month of March in each year, a certificate signed by himself and countersigned by the Mayor of the said City, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this Act, and in default of his so doing, the said City Treasurer shall *ipso facto* become and be liable to pay to the said Corporation a fine of Five Hundred Pounds currency, which said fine the said Council shall exact from the said Treasurer within the shortest possible delay, and the same shall form part of the Sinking Fund aforesaid, or shall be applied to pay off the said Annuities, if not required for the said

Sufficient sums to pay the Terminable Annuities to be taken out of City Funds in preference to any other payment.

Investment of Sinking Fund, &c.

Treasurer to certify yearly that he has performed the duties imposed on him by this Act, &c.

Sinking

Sinking Fund ; and for the purpose of furnishing additional and more ample security to the lenders of the said money, it shall be the duty of the Auditors of the said City annually to lay before the said Council a statement under oath, showing whether the said Treasurer has or has not fulfilled all the obligations imposed upon him in and by the said section.

Duty of Auditors.

VII. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Treasurer of the said City, and applicable to the payment of the interest or of the principal of the said Consolidated Debt of the said City, or any Terminable Annuity forming part of the said Consolidated Debt, shall be insufficient to pay any such interest or principal or annuity then due, it shall be the duty of the said Treasurer to calculate what rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such principal, interest and annuity, and to certify such rate under his hand to the Clerk of the said City, for the information of the Council, in the following form, or to the like effect :

Duty of Treasurer whenever he shall not have Funds to pay interest, annuities, &c.

“ SIR—I hereby certify, for the information of the Council of the City of Quebec, that a rate of _____ in the pound, on the assessed yearly value of the property liable to assessment in the said City, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such rate) required to produce a nett amount equal to that now due for interest, (principal, *if any be due*) and annuities forming part of the Consolidated Debt of this City.”

His certificate of the rate required.

And such certificate shall have the like effect as a By-law of the Council of the said City lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all Officers of the Corporation and by all others, and the rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other rates lawfully imposed by any By-law of the City Council, notwithstanding any provision in the Ordinance hereby amended or in any other Act, limiting the amount of rates to be imposed in any one year, or as to the time of the year at which rates may be imposed, levied or collected ; and the proceeds of such rate shall be applied first to the payment of the principal, interest and annuities, as the case may be, for the payment whereof the rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Corporation.

Such certificate to have the effect of a By-law imposing the required rate, &c.

Disposal of surplus.

Mode in which any Sheriff shall proceed on receiving a Writ of Execution to be levied by rate.

Effect of his certificate.

Duty of all Municipal officers in aid of the Sheriff in levying the required rate.

VIII. And be it enacted, That if hereafter at any time, any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Debenture or Corporation Bond forming part of the said Consolidated Debt of the said City or for arrears of any annuity forming part of the said Consolidated Debt, the plaintiff may require, and the Court may order, that such execution be levied by rate; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said City; and if the money therein mentioned, with all the lawful interest and costs which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what rate in the pound upon the assessed annual value of the property liable to assessment in the said City will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such rate under his hand to the Clerk of the said City for the information of the Council thereof, in the manner and form, *mutatis mutandis*, prescribed for the certificate of the Treasurer in the seventh Section of this Act, and shall attach thereto his Precept commanding the said Corporation and all officers whom it may concern forthwith to cause the said rate to be levied and the proceeds thereof paid over to him; and such certificate shall have the like effect as the certificate of the Treasurer, in the seventh Section mentioned, and such Precept shall be deemed an Order of the Court out of which the Writ issued, and shall be obeyed by the said Corporation, and by all officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court; and the rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any rates lawfully imposed by any By-laws of the City Council, or by any certificate of the City Treasurer, notwithstanding any provision in the Ordinance hereby amended or in any other Act, limiting the amount of rates to be imposed in any one year, or the time of the year at which rates are to be levied and collected; and it shall be the duty of the Treasurer and Clerk, and of all Assessors, Collectors and other officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the rate mentioned in this Section, and to give him any information or assistance which he may require for the purposes thereof, and all such officers of the Corporation shall, for all the purposes of this Section, be deemed officers of the Court out of which the Writ issued, and amenable to and punishable by such Court accordingly in case of any failure to perform any of the duties hereby assigned to them respectively; and the proceeds of the said rate shall, by the Treasurer, be paid over to the said Sheriff, and by him applied to the satisfaction of the debt, interest and

costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

Disposal of surplus.

IX. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothec granted by the Ordinance hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said "General Debt," or of the said "Water Works Debt" of the said Corporation, or any remedy which without this Act any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same; and that no further provision which the Legislature of the Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

Act not to affect the privilege of any present creditor of the City.

Legislature may make further provision for ensuring payment of City debt.

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

An Act to provide a remedy against the Corporation of the City of Quebec in case of injury to property by any mob or during riots in the said City.

[Assented to 14th June, 1853.]

WHEREAS it is right to provide means for assessing the Citizens residing in the City of Quebec, for damages arising from injury to property by any mob or during riots therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Council of the said City of Quebec, at any meeting or meetings of the said Council at which not less than two thirds of the Members thereof shall be present, to make By-laws which shall be binding on all persons for the following purpose, that is to say: For imposing a special assessment over and above all other rates or

Preamble.

City Council may make By-laws for raising money to pay damages to property by rioters,

Proviso: if they fail so to do, the owner may recover such damages against the City.

assessments which the said Council are empowered to impose, to meet and defray the expence of indemnifying the proprietor of any building or buildings or other property whatsoever, that may be demolished, destroyed or deteriorated in value by any mob, tumultuous assemblage or riotous persons whomsoever in the said City; Provided that in the event of the demolition or destruction of or injury or damage to any property in the said City by any mob, tumultuous assemblage or rioters, then if the said Council omit to provide, by such special assessment, to defray the expence of indemnifying the proprietor thereof within six months after the destruction or injury of the said property, the Corporation of the Mayor and Councillors of the City of Quebec, shall be liable to pay the same, and the proprietor of the property destroyed or injured may recover the amount of the damages sustained by the destruction or injury thereof, by action against the said Corporation.

Council may pay damages done within the last three months.

II. And be it enacted, That it shall be lawful for the Council of the said City, if they shall think proper, to pay out of any unappropriated moneys belonging to the said Corporation, the amount of any damages which may have been done to any property in the said City, by any mob, tumultuous assemblage or riotous persons, at any time during the three months next preceding the passing of this Act.

Recital.

Police Force under 2 V. c. 2, to be under control of Corporation.

III. And whereas the placing of the Police Force at Quebec under the control of the said Corporation, will the better enable them to prevent the demolition and destruction of property as aforesaid: Be it therefore enacted, That the Police Force appointed and sworn at Quebec, under the provisions of the Ordinance intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, shall from and after the passing of this Act, be under the exclusive control of the Mayor and Councillors of the said City of Quebec, and that the said Councillors shall be, *ex officio*, Justices of the Peace during their continuance in office as such Councillors.

Corporation not liable for damages to building where lectures, &c., take place without license.

IV. And be it enacted, That whenever any lecture, representation, performance, exhibition or other public meeting, for admission or entrance to which money shall be required or paid, shall take place, the said Corporation shall not be liable for any demolition or destruction of property at the place where such lecture, representation, performance, exhibition or other public meeting shall take place; unless the permission of the Mayor or of the said Council shall have been first had and obtained.

CAP. CCXXXIV.

An Act to transfer the possession and control of the *Cul-de-Sac* Harbour from the Trinity House of Quebec, to the Mayor and Councillors of the City of Quebec.

[Assented to 14th June, 1853.]

WHEREAS the Mayor and Councillors of the City of Quebec have by their Petition to the Legislature represented that the *Cul-de-Sac* Harbour in the Lower Town of Quebec is now, owing to the changes which have occurred in the trade and navigation of the River St. Lawrence, but little used for the repairing of vessels, and has become a receptacle for all kinds of filth, to the great danger of the health of the said City, and that the same is well adapted to the construction of landing places and slips for the accommodation of ferry boats from Point Levi and parts adjacent and the protection of vessels, which are very much required, and have prayed that with a view to its application to the above purposes the said *Cul-de-Sac* Harbour may be placed under their control instead of that of the Trinity House of Quebec, and it is right and proper that the prayer of the said Petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to consolidate the Laws relative to the Powers and Duties of the Trinity House of Quebec, and for other purposes*, as provides for the possession by the Trinity House of Quebec of the property of Her Majesty, situate in the Lower Town of Quebec and known by the name of the *Cul-de-Sac* Harbour, whether covered or not covered by the flow or ebb of the tide, with its dependencies, or the exercise by the said Trinity House of Quebec of the rights thereunto belonging, or authorizes or empowers the said Trinity House of Quebec to make By-laws or Orders for the improvement and management of the same, or for the construction of wharves therein with or without buildings thereon for the use of the said Corporation, or the imposing, levying and receiving of the wharfage or other dues to be paid by vessels or craft of any kind entering the same or undergoing repairs or wintering therein, be and the same is hereby repealed.

So much of 12 V. c. 114, as vests the control of the *Cul-de-Sac* in the Trinity House, repealed.

II. And be it enacted, That from and after the passing of this Act the Mayor and Councillors of the City of Quebec shall alone possess the said property of Her Majesty, situate in the Lower Town of Quebec, and known by the name of the *Cul-de-Sac* Harbour,

Possession and control of *Cul-de-Sac* vested in cor-

poration of
Quebec.

Harbour, whether covered or not covered by the flow or ebb of the tide, with its dependencies, and may alone exercise the rights thereunto belonging, but shall not dispossess or molest the persons possessing the wharves on the north side of the *Cul-de-Sac* nor deprive them of the advantages, revenues and profits to which they are now entitled.

Corporation may make By-laws concerning *Cul-de-Sac*, as regards management, Landing places and wharfage.

Proviso: By-laws to be subject to approval of Governor in Council: who may modify the same.

Corporation to act upon By-laws as so modified.

III. And be it enacted, That the Mayor and Councillors of the City of Quebec may, in addition to the By-laws, Orders, Rules and Regulations which they are now by law authorized and empowered to make, and in the same manner, and with the same formalities, and subject to the same provisions, conditions, limitations and restrictions, make such By-laws and Orders as to them may seem fitting for the following objects, that is to say: First, for the improvement and management of the *Cul-de-Sac* Harbour; Second, for the construction of landing places, wharves and slips in the said Harbour; Third, for the imposing, levying and receiving of wharfage or other dues to be paid by vessels and craft of all kinds entering the said Harbour; Provided always, that together with the copy of any such By-law having for its object the improvement of the said Harbour or the construction of landing places, wharves or slips therein, there shall be transmitted to the Governor in Council detailed plans and statements of such projected improvements or constructions, for his approval or disapproval within the time limited by law for the disallowance of such By-law; and if the Governor in Council should disapprove of such plans, it shall be lawful for him to cause the same to be altered or modified as to him shall seem meet; and it shall be the duty of the Mayor and Councillors of the City of Quebec, to cause the said Harbour to be improved and landing places, wharves and slips to be constructed therein, according to plans so approved, modified or altered as aforesaid, within such delay as may be limited for that purpose by an Order or Orders of the Governor in Council, on pain of forfeiture of the rights, powers, privileges, benefits and advantages conferred on them by this Act, but it shall not be lawful for them to erect or construct any buildings therein or thereon without the consent and permission of the Governor in Council.

C A P . C C X X X V .

An Act to authorize the Trustees of the Quebec Turnpike Roads to issue Debentures to a certain amount, and to place certain Roads under their control.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Ordinance hereinafter mentioned, to certain roads other than those to which they now extend, and to make further improvements in the vicinity of Quebec, through the Trustees of the Turnpike Roads established under the said Ordinance and for that purpose; And whereas, in order to the construction and completion of the works now undertaken by the said

said Trustees, or required by law of the said Trustees, it is expedient to provide for the raising of the necessary funds by the issue of Debentures by the said Trustees: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the provisions of the Ordinance of the Governor and Special Council of the late province of Lower Canada, passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to provide for the improvement of certain Roads in the neighbourhood of, and leading to the City of Quebec, and to raise a fund for that purpose*, and the provisions of all Acts and Statutes now in force amending the said Ordinance, and the powers of the Trustees appointed under the said Ordinance, and to be appointed under this Act, shall extend or apply to the Roads hereinafter mentioned, in the same manner as if the said Road had been mentioned and described in the said Ordinance, that is to say: the road leading from the Parish Church of St. Ambroise of *la Jeune Lorette* to the place called Valcartier, commencing at the place at which the said road begins, near the Church of St. Ambroise of *la Jeune Lorette*, and extending to the river Jacques Cartier, near the Roman Catholic Church known by the name of the Church of St. Gabriel de Valcartier.

Provisions of Ord. 4 V. c. 17, extended to the Road from Jeune Lorette to St. Gabriel de Valcartier.

II. And be it enacted, That it shall be the duty of the Trustees so soon as they shall have begun to macadamize the said road, to cause a Turnpike to be erected upon the said road, at or near the place where the said road approaches the building constructed for the Water Works constructed in the said place by the City of Quebec; at which said Turnpike the tolls provided by the tariff now in force shall be levied in the same manner as at other Turnpikes erected upon the roads under the control of the said Trustees, and the revenues of the said Turnpike after the first year of its erection, shall be farmed out in the same manner as those of other roads under the control of the said Trustees: Provided always, that any proprietor of land, residing in the Parish of St. Ambroise of *la Jeune Lorette*, who shall be obliged to pass through the said Turnpike Road to go from his own residence to any land belonging to him situated beyond the said Turnpike, and which shall not be rented or leased as a farm to any other person, shall be exempted from paying any toll at the said Turnpike.

Toll-gate to be erected near the Water-works at Lorette: Revenue to be farmed out after first year.

Proviso: in favor of proprietors in the said Parishes.

III. And be it enacted, That so soon as the said road shall have been completed as far as the river Jacques Cartier, it shall be

Toll bridge to be built over

the Jacques
Cartier River.

be the duty of the said Trustees to erect a Toll-bridge upon the said river Jacques Cartier at the place at which the said road shall terminate, at which bridge the same tolls shall be levied as at the Turnpikes above mentioned.

Cove beach
road, to be
made to Cap-
Rouge.

Proviso.

IV. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance, and the powers of the said Trustees shall also in like manner extend to the road called the *Chemin des Foulons*, and in English, "the Cove Beach Road," commencing at the place to which it is now planked and improved, and extending to the foot of Cap-Rouge Road, being a distance of about three miles; provided always, that from the period of the commencement of the said works for the improvement of the said section of the road hereinabove described, the Tolls levied at the Turnpike upon the said Cove Beach Road shall be increased by one half.

Provisions of
Ordinance
extended to—

V. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and of the Statutes amending the same, and the powers of the said Trustees shall also extend—

Part of Mail
road between
Quebec and
Montreal.

First. To the Mail Road between Quebec and Montreal, in the direction of St. Augustin, for a distance of five miles beyond the place to which it is now provided that the said road shall be macadamized;

Belvidere
road.

Secondly. The by-road called the Belvidere Road, which leads from the road called the *Grande Allée* to the St. Foy Road;

Road between
St. Foy and
St. Charles
Road.

Thirdly. A by-road which the said Trustees shall have power to open between the said St. Foy Road and the road along the little river St. Charles;

St. Clair road.

Fourthly. The by-road called the St. Claire Road, commencing at Scott's Bridge, as far as the St. Joseph Road;

Bourg Royal
road, &c.

Fifthly. The by-road, known as the Bourg Royal Road, and also *Route de la Commune*, commencing at the Beauport highroad, for a distance of two miles;

Beauport and
Laval road.

Sixthly. The by-road which leads to Laval, commencing at the Beauport highroad, for a distance of three miles;

From St.
Louis road to
Cove beach
road.

Seventhly. The road leading from the St. Louis highroad to the Cove Beach Road, passing by the Church of St. Richard;

From Little
River road to
Charlesbourg
road.

Eighthly. A road which the said Trustees shall be empowered to open to connect the north road of the little river St. Charles with the Charlesbourg highroad;

Ninthly.

Ninthly. To the highroad in the County of Montmorency, commencing at the *Petit Pré* and extending to the place called the *Saut à la Puce*, and also to the approaches to the new bridge to be constructed over the river Montmorency, as hereinafter provided ;

Part of High Road in Montmorency.

Tenthly. To the road continuing the road from the Church in the Parish of St. Foy, to the Cove Beach Road :

St. Foy to Cove Beach.

Provided always that the roads herein thirdly and eighthly in this Section mentioned, shall not be opened and improved unless the lands necessary for the making of the said roads be furnished gratuitously by the parties interested.

Proviso: as to articles 8 & 9.

VI. And be it enacted, That it shall be lawful for the said Trustees, at such place as they shall think proper, to construct another bridge over the river Montmorency, in lieu of the one at present existing, and which they may dispose of as also of the parts of roads leading thereto, and they shall for ever enjoy, with respect to the said bridge to be so constructed and the approaches leading thereto, all the same rights and privileges as they now enjoy with respect to the present bridge and its approaches ; and it shall be lawful for them to apply to the construction of the said bridge, a sum not exceeding Three Thousand Pounds currency, over and above the balance arising from the loan authorized by the Act passed in the ninth year of Her Majesty's reign, chapter one hundred and thirty-three ; and the provisions of the Act last above cited, under which the revenues of the bridge over the River Montmorency are to be applied to the extension of the *Côte de Beaupré* road, are hereby repealed ; and the Toll-Gates hereinafter mentioned shall in every respect be subject to the provisions of the Ordinance first above cited and of the Statutes amending the same, and it shall be lawful for the said Trustees to erect a Toll-Gate at the entrance to the new bridge, at which a Toll shall be levied, not exceeding One Penny for every person crossing the same ; and another Toll-Gate at a distance within half a mile to the west of the said river, at which Toll-Gate the same Tolls shall be levied on all vehicles or animals as are now levied at the bridge over the said river Montmorency ; Provided always, that in no case shall there be levied at the said Toll-Gate for one single Toll, a sum exceeding One Shilling and Three Pence ; And provided also, that persons residing to the east of the said river Montmorency or in the Parish of Beauport shall be exempt from personal Toll on crossing the said bridge.

Another Bridge may be built over the Montmorency in place of the present Bridge.

Appropriation for new Bridge, &c.

Toll-Gates authorized by this Act to be subject to provisions of the said Ord.

Proviso: Tolls limited.

Proviso.

VII. And be it enacted, That in order to the making and completion of the several roads described and mentioned in the Act passed during the last Session of the Provincial Parliament, chapter one hundred and thirty-two, and also to the improving and macadamizing of the roads hereinbefore mentioned, and the making of the various improvements hereinabove

For the completion of roads described in 14 & 15 V. c. 132, and those mentioned in this Act: Trustees

may issue
Debentures
for £30,000.

hereinabove mentioned, it shall be lawful for the said Turnpike Road Trustees to raise by loan a sum not exceeding Thirty Thousand Pounds currency, and this loan, and the Debentures which shall be issued to effect the same, and all other matters having reference to the said loan, shall be subject to the provisions of the Ordinance above cited with respect to the loan authorized under it; Provided nevertheless, that the rate of interest to be taken under this Act shall in no case exceed the rate of six per cent. per annum, and no moneys shall be advanced out of the Provincial Funds for the payment of the said interest, and all the Debentures which shall be issued under this Act, so far as relates to the interest payable thereupon, shall have a privilege of priority of lien upon the tolls and other moneys which shall come into the possession and shall be at the disposal of the said Trustees, in preference to the interest payable upon all debentures which shall have been issued under the Provincial Guarantee, or which shall hereafter be issued by the said Trustees under the Provincial Guarantee, and also to all other claims for the reimbursement of any sums of money advanced or to be advanced to the said Trustees by the Receiver General of this Province, and the said debentures, as respects the payment of the principal and interest thereof, shall rank after those issued under the Act passed during the last Session of the Parliament of this Province and hereinbefore cited.

Proviso: rate
of interest.

No Provincial
moneys to be
taken.

Priority of lien
in favor of De-
bentures
under this
Act over De-
bentures guar-
anteed by the
Province, or
moneys due to
the Province.

Provisions of
Ordinance to
extend also
to—

VIII. And be it enacted, That from and after the passing of this Act, the provisions of the said Ordinance and the Statutes amending the same, and the powers of the said Trustees shall also extend to the Roads hereinafter designated, to wit :

Road between
Passage de
Bégin and
Beaumont.

First. The Road commencing on the bank of the River St. Lawrence opposite to the City of Quebec, at the place called the *Passage de Bégin*, and extending to the Parish of Beaumont, passing by the Road called *La Petite Route*, for the distance of three leagues and a half.

St. Anselme
and St. Henri.

Secondly. The Road commencing on the bank of the said River opposite the City of Quebec, ascending towards St. Anselme and passing by the road called the *Trente Sous Road*, and by the Church of St. Henri, for the distance of four leagues and a half.

St. Nicolas.

Thirdly. The road commencing on the bank of the River St. Lawrence, opposite the City of Quebec, and extending to St. Nicolas, leading along the shore a distance of three leagues.

South shore
upwards.

Fourthly. Lastly, the road commencing from the Lauzon wharf on the bank of the said River, opposite to the City of Quebec, ascending along the River St. Lawrence, a distance of three leagues.

Provided

Provided always, that so soon as the said Trustees shall have commenced to improve the said roads, a first Toll-Gate shall be erected upon each of the said roads at a distance of not more than two miles from the point of departure of each road, and so soon as any of the said roads shall have been macadamized and improved for a space and distance of three leagues, a second Toll-Gate shall be erected, not less than three leagues from the point of departure upon each of the said Roads, which shall have been so improved to such distance, at which Toll-Gates a Toll shall be taken, which shall be greater by one half than that at present prescribed by the tariff now in force ; Provided also that the revenues of the said Toll-Gates shall in all other respects be subject to all the provisions of the laws now in force in relation to the revenues of the said Toll-Gates, but none of them shall be farmed out until after the expiration of one year from the date of the first going into operation thereof.

Toll gates to be erected on these roads.

Proviso.

IX. And be it enacted, That it shall be the duty of the said Trustees so soon as they shall have improved the road leading to St. Nicolas as far as the River Chaudière, to construct a bridge over the said River at such place as the said road so improved shall meet the said river, and all the rights and privileges belonging to Her Majesty with respect to the bridge formerly over the said river, shall belong to the said Trustees : Provided always, that the said Trustees, so soon as they shall have constructed the said bridge, shall erect a Toll-Gate at the entrance to the said bridge, at which Toll-Gate the same tolls shall be collected as are prescribed by the sixth Section of this Act.

Bridge over the Chaudière.

Proviso.

Tolls on the said Bridge.

X. And be it enacted, That for the completion of the roads, bridges and improvements mentioned in the two next preceding Sections, it shall be lawful for the said Trustees to issue debentures to the amount of Forty Thousand Pounds currency, which debentures shall be wholly subject to the provisions of the Ordinance hereinbefore cited, shall take precedence of those issued under the Provincial Guarantee, and of the claim by the Government, to be repaid out of the revenues of the said Toll-Gates, and shall take order and precedence and rank concurrently with those to be issued by and under the seventh Section of this Act.

Trustees may raise £40,000 for making roads to two next preceding sections.

XI. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Governor General of this Province, to nominate and appoint three fit and competent persons to be Trustees of the said Quebec Turnpike Roads in addition to the Trustees now appointed, and the Turnpike Road Trust shall, by virtue of the said Ordinance, be composed of twelve Trustees instead of nine.

Twelve Trustees instead of nine.

XII. And be it enacted, That it shall be lawful for the said Trustees, in order to prevent parties from passing upon the roads

Check toll-gates may be erected.

Tolls thereat.
&c.

roads under their control, without paying tolls, to erect upon any of the roads under their control, Check Toll-Gates, through which it shall be permitted to pass, by means of Checks which shall be given at the other Toll-Gates to those parties who shall have passed through them on the same day, and at which shall be taken the same tolls as those required at the nearest Toll-Gate, entitling persons paying the same to receive a Check by means of which they shall be entitled to pass through the nearest Toll-Gate during the same day without paying tolls.

Checks.

The above roads to be constructed at the same time as the roads under 14 & 15 V. c. 132.

. XIII. And be it enacted, That it shall be the duty of the said Trustees to proceed to the making and improvement of the roads described in the eighth Section of this Act, at the same time as and conjointly, and as nearly as possible in equal proportion, with those mentioned and described in the Act passed during the last Session of Parliament, chapter one hundred and thirty-two, and after the completion of the roads, described in the said Act conjointly with and at the same time, and as far as possible in the same proportion as those mentioned and described in the other clauses of this Act.

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

An Act to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS it has become necessary to make better provision for the internal government of the Town of St. Hyacinthe, and to enable the Council of the said Town to lay out larger sums of money than they have hitherto done for the improvement of the said Town: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and five, and intituled, *An Act to provide more fully for the incorporation of the Village of St. Hyacinthe*, is hereby repealed; and the inhabitants of the Town of St. Hyacinthe, within the limits hereinafter prescribed, 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 Town Council of St. Hyacinthe," 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

13 & 14 V.
c. 105 re-
pealed.

The inhabitants of the Town of St. Hyacinthe declared a body corporate:

in

in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter or modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment or for securing the 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.

General Corporation powers.

II. And be it enacted, That the said Town of St. Hyacinthe shall be bounded as follows, to wit: on the south-west by a line drawn from the River Yamaska, passing through the centre of Bourdages Street as far as its junction with St. James 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 and the lands of the *Petit Rang* from the road of the *Petit Rang* as far as the line between the lands belonging to the Corporation of the College and those of Antoine Charron dit Cabana; on the north-east by the lands of Antoine Charron dit Cabana, and on the south-east by the centre of the River Yamaska; commencing on the north-west bank of the River Yamaska in the centre of Bourdages Street; thence along the centre of the said street until it intersects St. James Street, and thence continuing along the line water-course situated between the road of the *Petit Rang* to the north-east and the Fabrique lands to the south-west, magnetically north, thirty-two degrees ten minutes west (variation eleven degrees fifteen minutes west,) for the space of thirty arpents, more or less, as far as the line separating the river lands from those of the *Petit Rang*; thence, along the said line, south, fifty-seven degrees twenty-five minutes east, four arpents and twelve feet, more or less, there forming an angle; thence, north, twenty-eight degrees twenty minutes east, two arpents, six rods and nine feet, more or less, there forming an angle; thence, north, nine degrees fifty minutes east, two arpents, nine rods and four feet, more or less, to the south-west line of the lands belonging to the Corporation of the College; thence, along the said line, north, forty-five degrees forty minutes west, seven rods and six feet, more or less, to the north-west line of the said lands belonging to the Corporation of the said College; thence, along the said line north, eighteen degrees five minutes east, two arpents, eight rods and nine feet, more or less, to the line separating the said lands from those of Antoine Charron dit Cabana; thence, along the said line of separation south, forty-five degrees forty minutes east, thirty arpents, more or less, to the River Yamaska; and thence, continuing as far as the centre of the river, thence, towards the south-west, running up the

Limits of the Town.

the centre of the said river to where it intersects by a prolonged line the centre of Bourdages Street; and thence, following the said prolongation, north, thirty-two degrees ten minutes west, to the bank of the river and point of departure; the said Town of St. Hyacinthe, so bounded and limited, containing six hundred and seventy-five arpents, more or less, in superficies; any law, usage or proclamation to the contrary notwithstanding.

Town divided
into four
Wards.

III. And be it enacted, That the said Town shall be divided into four Wards, which shall be respectively known and designated 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 said Town, and on the South-west by the rear line of the emplacements lying on the North-east side of Sainte Marie Street;

Ward No. 2.

"Ward Number Two," shall be bounded in front by the said River, in depth by the limits of the said Town, on the North-east by Ward Number One, and on the South-west by a line drawn through the centre of Mondor Street;

Ward No. 3.

"Ward Number Three," shall be bounded in front by the said River, in depth by the limits of the Town, on the North-east by Ward Number Two, and on the South-west by a line drawn through the centre of Sainte Anne Street;

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 Town, and on the North-east by Ward Number Three.

Provision for
the extension
of the limits
of the said
Town.

IV. Provided always, and be it enacted, That it shall be lawful for all and every proprietor of land situated immediately adjoining and contiguous to any of the boundaries of the said Town of St. Hyacinthe, upon notice given by such proprietor to the Municipal Authorities of the said Town, and the assent thereto of the said authorities, by a By-law to be by them made therefor in the usual manner, to demand and have the inclusion of the said property within the limits of the said Town, and so on successively for other proprietors having property adjoining to the property so successively included as aforesaid, and upon such inclusion, declared by a By-law as aforesaid, the said proprietors having property so included shall have and possess all the Municipal advantages, and be subject to all the Municipal dues, duties and charges imposed upon persons and property originally included within the limits of the said Town: And provided also, that upon the Petition of a majority of the proprietors, in number and value of property, and residing therein, possessing by authentic titles lands in that extent of territory contained between the road commonly called the road of the

Further pro-
vision for the
extension of
the said
Town,

Petit

Petit Rang and the division line between Joseph Chabot and Pierre Edouard Leclerc, and bounded in front by the River Yamaska, and in rear by the line of the lands of the *Petit Rang*, it shall be lawful for the said Town Council to annex to the said Town the said extent of Territory; and when once the said extent of Territory shall have been included by a By-law of the said Town Council, upon the petition as aforesaid of a majority of the proprietors, the said proprietors whose properties shall have thus been declared included, shall possess all the Municipal advantages, and be subject to all the dues, duties and charges imposed upon property and persons originally included in the said Town: Provided nevertheless, that after the annexation of the said extent of Territory to the said Town as above prescribed, the said proprietors residing in the said extent of Territory shall be, and shall continue to be eligible to and capable of holding any Municipal office in the Municipality of the County of St. Hyacinthe.

Proviso.

V. And be it enacted, That the number of Councillors of the said Town shall be eight; two Councillors being elected by each Ward: Provided always, that as soon as the extent of Territory of which mention is made in the next preceding Section shall have been included as provided by the said clause in the limits of the said Town, the said extent of Territory shall form a Ward by the name of "Ward Number Five," and the Municipal Electors residing in the said extent of Territory, shall elect in the same manner and at the same time as the other Wards of the said Town, two Councillors to the said Town Council: And provided also, that when any one of the Wards of the said Town shall contain more than two hundred and fifty Municipal Electors, such Ward shall have the right to elect three Councillors.

Number of Councillors to be eight.
Proviso.

Proviso.

VI. And be it enacted, That the said Councillors shall be chosen from among the inhabitant proprietors and householders of the said Town, of the age of twenty-one years, and freeholders therein to an assessed value of One Hundred Pounds currency; or such persons as shall have built on a leasehold property, a dwelling house which will *bonâ fide* rent for Three Pounds currency per annum: and that no person shall be capable of being elected to or of performing the duties of a Member of the said Town Council, if he shall not at the time be a resident of the Town.

Qualification of Councillors.

VII. And be it enacted, That 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, rated upon the Assessment-Roll of the said Town and residing therein, possessed at the time of real property in the said Town, of the yearly value of Twenty Shillings currency; and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent, during the six months immediately preceding the election, on a dwelling house or

Qualification of Municipal electors.

part

part of a dwelling house therein, at the rate of not less than Three Pounds currency per annum; and also, leaseholders of the age of twenty-one years who shall have built a dwelling house on such leasehold, which would *bonâ fide* rent for a sum of Three Pounds currency per annum; Provided always, that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal taxes due before such Election; and it shall be lawful for any Municipal Elector of the said Town, to require the production of the receipt of the Secretary-Treasurer of the said Town, for such Assessment so due as aforesaid.

Proviso.

The present Mayor and Councillors continued in office.

Present officers to continue.

By-laws continued.

Substitution of Council for present Council.

Municipal Elections to be held the first Monday in July.
Notice.

By whom signed.

Councillor to be appointed

VIII. And be it enacted, That the Mayor and Councillors of the said Town, now in office, and who have been so since the Municipal Election held in the month of July of the year one thousand eight hundred and fifty-two, shall remain and are hereby continued in office during the whole period for which they have been elected, under the provisions of the Act thirteenth and fourteenth Victoria, chapter one hundred and five, notwithstanding the repeal of the said Act; and the Officers appointed by the said Mayor and Town Council shall remain, and are hereby continued in their respective offices until their appointments shall be regularly revoked by the said Council, or until their powers shall have naturally expired; and all By-laws, Orders, Agreements, Provisions and Obligations whatsoever, passed, entered into or agreed to by the said present Mayor and Council, or their predecessors in office, shall continue in full force and effect as if the said Act thirteenth and fourteenth Victoria, chapter one hundred and five, had not been repealed, and until such By-laws, Agreements and Engagements shall have been regularly repealed and rescinded; and the said Council, as constituted under the provisions of this Act, shall succeed to and be substituted for the said Town Council of St. Hyacinthe, as constituted by the thirteenth and fourteenth Victoria, chapter one hundred and five, in all the rights and claims of the said Town Council.

IX. And be it enacted, That the Municipal Elections of the said Town shall take place on the first Monday of July in each year, or if such Monday be a Statutory Holiday, then on the day following; and public notice thereof shall be posted up at the Parish Church on the two preceding Sundays, and read after Parochial Mass, and shall also be read in the Market Place of the said Town on the two Saturdays preceding the election: which notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall contain the day, hour and place of holding such election in each of the Wards of the said Town.

X. And be it enacted, That before publishing the notices of such Annual Municipal Election, the said Town Council shall appoint

appoint one of their Members (not being one of those who are to go out of office) to preside over and conduct the said Election ; such Councillor shall have a Deputy under him for each of the Wards of the said Town in which the Election shall be held, who shall be appointed and paid by the Council ; and the polls shall be kept open in each of the Wards for receiving and entering votes, from nine o'clock in the forenoon until five o'clock in the evening of the day fixed for the election, (in the event of the said Election not taking place by acclamation) ; and at the close of the poll, the said Deputies shall declare such person or persons duly elected as Members of the said Town Council as shall have polled the greatest number of votes ; and in the event of the votes in favor of the Candidates of any Ward being equally divided, then the Deputy acting in such Ward 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 elected, within three days after such Election.

to conduct Election.
 Shall have Deputies.
 Polls.
 Casting vote.
 Councillor presiding to give notice.

XI. And be it enacted, That after each Annual Municipal Election, the Members of the said Council shall meet within the eight days next after the Election, the Member who shall have presided thereat presiding as their Chairman, to proceed to the verification of their powers, and to elect one from their number to be Mayor of the said Town ; and such Mayor shall preside and keep order at their meeting, and shall have the right of giving his advice (but not of voting) on all questions submitted to the said Council ; Provided however, that when the said Councillors, after having voted on any question whatsoever, shall be equally divided, then, and in such case only, the Mayor shall decide the question by his vote, stating his reasons for voting, if he shall think proper ; and neither the Mayor nor the Councillors shall receive any salary or emolument out of the Town Funds for the time during which they shall remain in office.

Members elected to meet within eight days.
 Mayor to preside, but not to vote.
 Proviso.
 Mayor and Councillors to receive no salary.

XII. And be it enacted, That every person who shall have been elected a Councillor of the said Town, shall, before taking his seat as such, take the Oath of Office hereafter mentioned, before the Councillor who shall have presided at the Annual Municipal Election, or in his absence, before any one of the Justices of the Peace residing in the said Town, who is hereby authorized to administer the same, to wit :

Every Councillor to take oath of office.

“ I, A. B., do solemnly swear that I will faithfully discharge the duties of a Member of the Town Council of St. Hyacinthe, to the best of my knowledge and ability. So help me God.”

Form.

XIII. And be it enacted, That the Election of the new Councillor, who, in accordance with the provisions of this Act, is to represent the said Ward Number Two, shall only be made at the time of making the Annual Municipal Elections, that is

First Election in Ward No. 2.

to say, the first Monday of the month of July of this present year one thousand eight hundred and fifty-three.

Councillors
elected for
two years.

XIV. And be it enacted, That the persons chosen at the Annual Municipal Elections as Members of the said Town Council, shall in every case be elected for two years, and at each such Annual Election, one of the Members for each Ward shall go out of office ; and the Member who shall go out of office, shall invariably be one whose election shall have taken place two years before, subject however to the exceptions contained in the next Section.

Order of
Councillors
retiring from
office.

XV. And be it enacted, That in order to render the rotation of the Members of the said Council regular within the meaning of the preceding Section, the Councillors representing Wards Numbers One and Four, who were elected in July one thousand eight hundred and fifty-one, shall go out of office in July one thousand eight hundred and fifty-three, and those who were elected for the said Wards in the month of July of the year one thousand eight hundred and fifty-two, shall continue in office until the month of July one thousand eight hundred and fifty-four, and for the Ward Number Two, which shall hereafter elect two Councillors, the new Councillor for such last Ward shall continue in office until the month of July last aforesaid, and the Councillor elected in virtue of this Act in the month of July next after the passing this Act, shall continue in office until the month of July one thousand eight hundred and fifty-five ; and inasmuch as the two Councillors representing the Ward Number Three, were both elected in the year one thousand eight hundred and fifty-two, one of them, to be selected by lot, shall vacate his office in the month of July now next ensuing, the other remaining in office for two years from the time of his election, so that a Councillor shall be elected annually in each Ward.

Vacancy in
the office of
Councillor
how to be
filled.

Proviso.

XVI. And be it enacted, That whenever a vacancy shall occur in the said Council by reason of absence from the Town for a longer period than three months, which shall in itself be a cause of disqualification, or by reason of sickness, legal incapacity, death, or removal out of the Town, which shall also be in itself a cause of disqualification, and provided always such vacancy shall occur before the first day of April in each year, it shall be lawful for the Mayor to call the electors of the Ward in which such vacancy shall occur, by public notices to be posted up and read as provided by the ninth Section, to fill such vacancy by the election of another Councillor, and in such case the Mayor, or in his absence, one of the Councillors, to be appointed by the Council, shall act as Returning Officer, and the Secretary-Treasurer shall act as Deputy ; and the Councillor so elected to fill the vacant seat shall take the oath before the Mayor or the Councillor who shall have presided at the election, and he shall remain in office during the whole time for
which

which the Member in whose stead he shall be elected would himself have remained in office in the ordinary course of affairs ; and if the said Mayor shall neglect to call the electors of the Ward in which such vacancy shall have occurred, he is hereby required so to do so soon as a requisition to that effect, signed by ten of the electors of the said Ward, shall have been presented to him.

Provision if the Mayor neglect to call the Electors.

XVII. And be it enacted, That 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 :

Oath taken by person holding Election.

“ 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 Saint Hyacinthe. So help me God.”

XVIII. And be it enacted, That every Presiding Officer at any Municipal Election in the said Town, shall have power and he is hereby required to preserve peace and order at such election, and for such purpose he shall and may, during its continuance, commit to the Common Gaol of the District of Montreal, or to the Gaol of the County of St. Hyacinthe, so soon as the same shall be erected into a Common Gaol, any person making or creating any disturbance, fighting or rioting at such election, practising or using any threats of violence to deter any elector from coming forward to vote, retiring from voting or remaining quietly at such election ; and shall and may require and command the assistance of all parties present at such election, or of any Constable or Peace Officer in the said Town, who are hereby required to give such assistance in apprehending and committing any person creating any such noise, interruption, disturbance or disorder as aforesaid ; Provided always, that no such committal shall extend beyond the period of one calendar month ; and the Sheriff and Gaoler who may be in charge of the said Common Gaols, are hereby required to receive all such offenders upon the *Committimus* of the Presiding Officer at any such election ; and every Deputy shall, in the absence of the Officer presiding at the election, have the same powers in his own Ward as the said Presiding Officer.

Power for preserving the peace.

Proviso : Committals limited.

XIX. And be it enacted, That the Officer presiding at any Election under this Act shall have authority, and is hereby required at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed by law to affirm) any Candidate for the office of Member of the said Town Council, respecting his qualification to be elected to the said office, and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine

Officer presiding to examine Candidates at Elections if required.

upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the Presiding Officer in both cases shall be in the form following :

Form of oath of Candidate.

“ You shall true answer make to all questions put to you by
“ me in my capacity of Presiding Officer at this election,
“ respecting your qualification to be elected a Member of the
“ Town Council (or respecting your qualification to vote at this
“ election, as the case may be). So help you God.”

Questions to him.

And the Presiding Officer shall himself put the questions which he shall deem necessary, or which the electors present shall desire to put to the Candidate or Voter.

Certificate of poll book by Deputy Returning Officers.

XX. And be it enacted, That at all the elections held under this Act, the Poll Books containing the names of the Voters and other matters, shall be certified on oath by each of the Deputies or Clerks who shall have presided at such election in the respective Wards of the said Town, each of the said Clerks or Deputies certifying his own, before any Justice of the Peace residing in the said Town, which oath such Justice is hereby authorized to administer, and the said oath shall be in the form following :

Form of oath.

“ I, A. B., do swear that the Poll Book kept by me at the
“ Municipal Election for Ward No. of the Town of St.
“ Hyacinthe, is just and correct to the best of my knowledge
“ and belief. So help me God.”

Wilful forswearing, &c., to be perjury.

XXI. And be it enacted, That if any person being examined upon oath or affirmation under this Act, as to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

Parties neglecting or refusing to take oath of office.

XXII. And be it enacted, That if any of the persons to be hereafter elected to represent the different Wards of the said Town, after regular notice thereof as aforesaid, shall refuse, before the first meeting of the Council after any Municipal Election, to take the Oath of Office required by the Twelfth Section of this Act, provided such person be not suffering from illness, or absent from the Town at the time, or disqualified for any cause whatsoever, he shall, for such refusal, forfeit the sum of Five Pounds currency, to be recovered with costs on the complaint of one elector of the Ward for which such person shall have been elected, before any Justice of the Peace for the District of Montreal, or residing in the said Town : Provided always, that no person who has discharged the duties of a Member of the said Town Council during the four years immediately preceding the said Election, shall be subject to the penalty hereinbefore stated for his refusal to act.

Proviso.

XXIII. And be it enacted, That no Clergyman or Minister of any religious denomination whatsoever, no Judge or Clerk of any Court, nor any Member of the Executive Council of the Province, nor any person responsible for the moneys of the said Town, nor any person receiving a salary for his services from the said Town Council, nor any Officer actually presiding at any Municipal Election, nor any Deputy nor Clerk employed by him, shall be capable of being elected Councillor for the said Town.

Who may not
be elected
Councillors.

XXIV. And be it enacted, That 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, when such a building shall have been provided, and until such a building shall have been provided, at such place as the said Council shall determine ; and that an absolute majority of the Town Council shall be a *quorum* for the despatch of business : Provided always, that one or several Members, not sufficient in number 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.

Council to
meet once a
month.

Quorum.

Proviso.

Compelling
attendance of
Members.

XXV. And be it enacted, That 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 that whenever two Members shall be desirous of obtaining such Special Meeting, they may apply to the Mayor to call such Meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council their object in calling such Special Meeting, and the day on which they are desirous that it shall be held, and the said Secretary Treasurer shall, upon receipt of such written notification, communicate the same to the other Members of the Council.

Special Meet-
ings may be
called by
Mayor.

If the Mayor
be absent or
refuse to act.

XXVI. And be it enacted, That in the event of a vacancy occurring in the office of Mayor of the said Town from any cause whatsoever, the Members of the said Council shall elect another of their number to fill the office of Mayor, and the Councillor so elected shall hold the office until the termination of the then current Municipal year.

Vacancy in
the office of
Mayor.

XXVII. And be it enacted, That the Mayor of the said Town, when he shall not go out of office as Councillor, shall retain the exercise of all his powers as Executive Officer of the Town Council until the meeting of the said Council held eight days after the Annual Municipal Election ; and when the said Mayor

Mayor to re-
tain the exer-
cise of his
powers,
during a cer-
tain period.

Mayor shall go out of office as Councillor, then his powers as Executive Officer of the said Town Council shall be exercised by the Councillor who shall have been appointed to preside at such Annual Municipal Election.

Contested Elections to be determined by the Council.

XXVIII. And be it enacted, That any election contested either as to the qualification of the Members or that of the Voters, or on any other ground whatsoever, shall be determined by the Member or Members whose return shall not be contested, and the Scrutiny shall take place within fifteen days after the election complained of; and notice of every such contestation shall be served in writing upon the Councillor presiding at the election, by at least three electors of the Ward in which the election complained of shall have taken place, on the same day on which such election shall have taken place, or before noon of the following day; and in the event of the same being declared void from any of the above causes, or from any riotous or disorderly proceeding at such election, a new election shall take place within twenty days after that on which such contested election shall have been decided; and such election shall be given notice of, presided over and conducted as provided by this Act.

New Election.

Power to punish Councillors guilty of violence.

XXIX. And be it enacted, That the said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than Fifteen Pounds currency, or by both, any Councillor who may be guilty of serious disturbance or violence during its sitting, either by action, by word, or in any manner whatsoever.

Meetings of Council to be public.

XXX. And be it enacted, That all meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any Members of their own body for any cause whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment or by one of the two, any act of contempt committed by any such person present; Provided always, that no such fine shall exceed the sum of Five Pounds currency, and that no such imprisonment shall exceed the period of fifteen days.

Proviso.

Provision for case of Failure to elect on the day fixed.

XXXI. And be it enacted, That in case it shall at any time happen that an Annual Municipal Election shall not be had, for any reason whatsoever, on the day when, in pursuance of this Act, it ought to have been had, the said Town Council shall not for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, the Mayor if he shall have remained in office as Councillor acting as Chairman, (or if there be no Mayor, then the Councillor who shall have been appointed

appointed to preside at the election shall act as Chairman,) 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, posted and read on one Saturday and one Sunday only, instead of two.

Notices.

XXXII. And be it enacted, That any witness who, on the Trial of any Municipal Election, being duly summoned to attend upon such Trial or Scrutiny, or upon any complaint regularly brought before the Town Council, for any cause whatsoever, shall wilfully neglect or refuse to attend, shall, on conviction thereof before one of the Justices of the Peace, residing in the said Town, be liable to be imprisoned, on the commitment of such Justice, in the Common Gaol of the District of Montreal, or in the Gaol of the said Town, if there be one, for a space of time not exceeding one calendar month; and if any witness shall, upon any Trial or Scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Refusal of witnesses to appear: they may be punished.

False swearing to be perjury.

XXXIII. And be it enacted, That the Mayor and the Members of the said Town Council are hereby authorized to examine under oath, all witnesses summoned to appear before the said Council, and to administer the oath to such witnesses.

The Town Council may examine witnesses on oath.

XXXIV. And be it enacted, That the Sheriff and Gaoler of the District of Montreal shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any Member thereof under the authority thereof.

Sheriff, &c., shall safely keep persons committed.

XXXV. And be it enacted, That whenever the Mayor shall not be present at a Regular or Special Meeting of the said Town Council, the Councillors present shall choose one of their number to discharge the duties of Chairman during the meeting.

Chairman to be appointed in absence of Mayor.

XXXVI. And be it enacted, That the said Town Council shall have power, at the commencement of every period of three years, to appoint Assessors or Valuers of property, three in number, and it shall be the duty of the said Assessors to estimate the rateable property according to its real value, and within the periods which shall be fixed by the said Town Council.

Assessors: their appointment and general duties.

XXXVII. And be it enacted, That 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 two Councillors, to wit:

Oath to be taken by Assessors.

The oath.

“ I, _____, having been appointed one of the Assessors for the Town of St. Hyacinthe, 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.”

Qualification of Assessors.

XXXVIII. And be it enacted, That 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 Two Hundred and Fifty Pounds currency of this Province.

Assessment-Roll to be deposited with Secretary-Treasurer.

XXXIX. And be it enacted, That 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 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 valued, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation; and such appeal shall be tried by the said Council at the first meeting which shall be held after the expiration of the said month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or Presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said Assessment-Roll shall be declared closed for three years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said Assessment-Roll shall not be declared closed, until all the appeals shall have been heard and determined; Provided always, that if after the said Assessment-Roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the Assessors to reduce their valuation of such property to its then actual value; And provided also, that if any omission shall have been made in the said Assessment-Roll, the said Council may order the Assessors to value any property so omitted, in order to its being added to the Roll.

To be open to inspection;

Complaints against.

How tried and determined.

To last for 3 years.

Adjournments.

Proviso.

Proviso.

Auditors to be appointed and sworn.

XL. And be it enacted, That at the first meeting of the said Town Council 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

shall take the following oath before any Justice of the Peace residing in the said Town, that is to say :

“ I, _____, having been appointed to the office of Auditor for the Town of St. Hyacinthe, do hereby swear that I will faithfully perform the duties thereof according to the best of my judgment and ability ; and I do declare that I have not directly or indirectly any share or interest whatever in any contract or employment with, by or on behalf of the Town Council of the said Town of St. Hyacinthe. So help me God.”

Oath of office.

XLII. And be it enacted, That it shall be the duty of the Auditors to examine, settle, 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, which may then remain unsettled ; and to publish a detailed Statement of the Receipts and Expenditure and of the Assets of the said Council, in two Newspapers (one in the French and the other in the English language) published in the District of Montreal or in the said Town, when there shall be any published therein, at least fifteen days before each Annual Election.

Duties of Auditors.

XLII. And be it enacted, That the Auditors who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least One Hundred and Twenty-five Pounds currency ; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Their qualification.

Proviso : Person disqualified.

XLIII. And be it enacted, That every person who shall be regularly elected or appointed to any of the offices of Councillor, Auditor, or Assessor for the said Town, shall accept such office, unless such person shall prefer to pay the fine hereinafter established ; in which case he shall be exempt from serving in the same manner and for the same period as he would have been if he had accepted the office.

Penalties for refusal to accept office.

The fine for a person elected Councillor, who shall refuse to act, shall be Five Pounds currency ;

Councillor.

The fine for a person appointed Auditor, and who shall refuse to act, shall be Two Pounds Ten Shillings currency ;

Auditor.

The fine for a person appointed Assessor, and who shall refuse to act, shall be Three Pounds Fifteen Shillings currency.

Assessor.

XLIV.

Secretary-Treasurer may receive penalties without previous suit.

XLIV. And be it enacted, That it shall be lawful for the Secretary-Treasurer of the said Council, without any previous formality, to receive from every such person who shall have incurred a penalty for refusal to act, the amount of the fine imposed by the preceding section; and if any such person, having so incurred such fine, shall not pay the amount into the hands of the said Secretary-Treasurer, within the fifteen days subsequent to the notice which he shall have received that he has been appointed to such office, then it shall be lawful for the said Council to take proceedings for the recovery thereof in the Magistrates' Court in the said Town, and the said fine shall be levied in the ordinary course, by the seizure of the moveable effects of such person.

Mayor and three Councillors to be ex-officio Justices of the Peace.

XLV. And be it enacted, That the Mayor of the said Town of St. Hyacinthe shall be, during the term of his office, a Justice of the Peace for the District of Montreal; and three of the Councillors of the said Town, chosen by the said Council, at their first meeting after every Annual Municipal Election, shall exercise respectively the jurisdiction and powers of Justice of the Peace within the limits of the said Town; and the said Mayor shall enjoy within the District of Montreal, and the said Councillors shall enjoy within the limits of the said Town, during the term of their office as Councillors and Mayor, all the rights, privileges and prerogatives of Justices of the Peace, appointed directly by Her Majesty, or Her Representative in this Province; and they shall be entitled to issue Warrants, and to sit conjointly with the other Justices of the Peace for the District of Montreal, and to take cognizance of any case or action within the jurisdiction of a Justice of the Peace in this Province.

Proceedings of the Council to be entered in a Minute Book.

Book to be open to inspection.

Extracts and certificates, &c., to be evidence.

XLVI. And be it enacted, That the proceedings at each of the Regular or Extraordinary Meetings of the said Council shall be carefully entered and inscribed in a Book to be kept for that purpose, and to be called the "Minute Book of the Town Council of St. Hyacinthe," and the said Book shall be open to the inspection or reference of all persons qualified to vote at the Municipal Elections for the said Town, upon payment of the sum of One Shilling to the Secretary-Treasurer, with whom the said Book shall be deposited; and all Extracts from the said Minute Book, or from any of the Records and Documents 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 every hundred words; and all Extracts from the said Book, or from the Records and Documents of the said Town Council, and generally all Certificates, Documents and Paperwritings signed by the Mayor of the said Town and countersigned by the Secretary-Treasurer, or signed by one of them singly in the absence of the other, and sealed with the Common Seal of the said Corporation, shall be authentic in all Courts of Justice in this Province, and shall be held and acknowledged by such Courts as *prima facie* evidence of the facts contained

or established in all such Extracts, Documents, Certificates and other Papers.

XLVII. And be it enacted, That every person holding the office of Councillor of the said Town who shall be declared bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into Holy Orders, or become a Minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a Member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant; and such person shall be replaced in accordance with the provisions of this Act.

Who shall be disqualified to be Councillor.

XLVIII. And be it enacted, That it shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal Government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said Town.

The Council may pass By-Laws for the good government of the Town;

XLIX. And be it enacted, That it shall be lawful for the Town Council to appoint, remove and replace when they shall think proper, such Officers, Constables and Policemen as they shall deem necessary for the due execution of the By-laws to be by them enacted, 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.

And appoint Policemen, &c.

L. And be it enacted, That in order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say:

Local Taxes may be imposed in the said Town.

1. On all lands, Town lots and parts of Town lots, whether there are or not buildings on such lots, with all buildings and erections thereon, the sum of One Penny in the Pound on their whole

On real estate.

Proviso. whole real value, as entered on the Assessment-Roll of the said Town; Provided that no land under cultivation, or kept as a farm within the limits of the said Town, shall be taxed in virtue of this Act.

On moveables of certain kinds.

2. On the following moveable property, a like sum of One Penny in the Pound at the value herein specified :

Every horse kept for the purpose of covering mares, shall be rated One Hundred Pounds ;

Every horse kept for hire or gain, at Fifteen Pounds :

Every horse above the age of three years, and kept for domestic purposes, Ten Pounds ;

Every bull or ram, at Ten Pounds ;

Every head of horned cattle, aged two years and more, at Two Pounds ;

Every close carriage with four wheels, Fifty Pounds ;

Every open carriage, with four wheels and two seats, at Twenty Pounds ;

Every Curricule, or light waggon with one seat, at Ten Pounds ;

Every two horse sleigh, at Fifteen Pounds ;

Every one horse sleigh, at Five Pounds ;

Proviso.

Provided always, That all winter or summer vehicles, used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, together with one milch cow for each family, and every other head of cattle rated at not more than Five Pounds, shall be exempt from any tax whatsoever ;

On Stock in trade.

On Seigniors.

Proviso.

3. On the Stock in trade of all descriptions, kept by merchants and dealers, exposed for sale on shelves in shop, or kept in store-houses, a tax of a quarter per cent on the average estimated value of such Stock in trade ; and the Seigniors of the *censive* within which the said Town is situate shall pay, in proportion to their lucrative rights, one-fortieth part of the sum levied upon the immoveable property in the said Town, each Seignior paying in proportion to the interest held by him in the said *censive* ; Provided always, that the total sum the fortieth part whereof shall have been so taken, shall not include the sum which shall have been imposed upon the demesne and mills and other private property of such Seigniors ;

4. On all tenants paying rent in the said Town, an annual sum equal to One Shilling and Three Pence in the Pound on the amount of rent ; On tenants.

5. On each male inhabitant, of the age of twenty-one, who shall have resided in the said Town during six months, and not being a proprietor, tenant, apprentice or domestic, an annual sum of Five Shillings ; Personal Tax.

6. On every dog kept by persons residing in the said Town, an annual sum of Five Shillings. Dogs.

And it shall be lawful for the said Council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses and eating-houses ; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing for sale, into the said Town, any articles of commerce of any kind whatsoever ; and on all proprietors, owners, agents, managers or keepers of theatres, circuses, billiard-tables, ball-alleys, or other games or amusements of any description ; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, livery stable keepers, brewers and distillers ; on all traders and manufacturers ; on all proprietors or keepers of wood or coal yards and slaughter houses in the said Town ; on all money changers or money brokers, pawn-brokers and their agents ; on all bankers and their agents ; on all assurance companies or their agents ; and generally, on all trades, manufactories, occupations, arts and professions which have been or may be exercised and introduced in the said Town, whether the same be or be not mentioned herein : and the workshops of mechanics shall be divided into first and second classes, and every workshop which shall be placed by the Assessors in the first class shall be rated at Five Shillings annually, and those of the second class at One Shilling and Three Pence, annually, and each person exercising a liberal profession shall be rated at Fifteen Shillings annually. Taxes on persons exercising certain callings.

Workshops divided into two classes ; tax on each limited.

The said Council shall also have power to fix the amount of personal commutation, that is to say, of the sum payable by each person liable to statute labour on the streets and sidewalks of the said Town, and to refuse the labour of such person for the said purpose, if the Council shall think proper to undertake the same : Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the labour to be done, by Arbitrators, if any one of the parties shall require it. Commutation of statute labour.

LI. And be it enacted, That the said Council shall also have power to make By-laws : By-laws concerning—

For establishing one or more new market places ; or for extending the market places now existing or which may be hereafter Markets ;

hereafter established; Provided that all damages which may be incurred by parties in consequence of their respective lands being encroached upon by such extension, be paid by the said Council;

Clerks of markets and other market officers;

For determining and regulating the powers and 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 in the said markets, or upon 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, at the instance of any party interested, by the Officers to be 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 any such market;

Weighing and measuring;

Vehicles;

For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

Preventing selling in streets, &c;

For preventing persons bringing articles of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town;

Weight and measure of wood, grain, &c;

For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers or persons residing therein; for determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

Obstructions;

For preventing obstructions of any nature whatsoever in the streets;

Sales on the highway;

For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sale of intoxicating liquors;

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

Violent driving, barbarous treatment of horses, &c;

To prevent the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the side-walks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight;

Bread;

For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town;

For

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 ;

Apprentices
and Servants ;

To prevent the keeping of gaming houses, places for gambling or any description of houses of ill-fame in the said Town ;

Gaming
houses, &c ;

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 ;

Public
Pounds ;

For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ;

Police ;

To prohibit interments within the limits of the said Town, or fix the places at which the same may take place ; to compel the taking up of any body interred within the said limits contrary to this provision : Provided always, that this section shall not extend to prevent the interment in the Catholic Churches in the said Town, of Catholic Priests or Nuns ;

Interment ;

Proviso ;

To compel the proprietors of all real property within the said Town, their agents or representatives, to enclose the same ; and to regulate the height, quantity and material of every such enclosure ;

Enclosure of
real property ;

To compel the occupants of unfenced lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands so that the neighbours may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case, the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such lands, and have priority of privilege over all other debts whatsoever ;

Stagnant water ;

May inclose
and drain
lands and
recover the
cost : hypo-
thec for sum
so expended ;

To oblige all proprietors 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 ;

Encroach-
ments upon
the streets ;

To cause to be pulled down, demolished and removed, when necessary, all old, dilapidated or ruinous walls, chimneys and buildings of any description that may be in a state of ruin ; and to determine the time and manner in which the same shall

Pulling down
dilapidated
and dangerous
buildings ;

be

be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width and levels of the streets ;

Damages to be paid ;

For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said Town : Provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by Arbitrators, if any of the parties shall require it ;

Town Gaol ;

For establishing and regulating a Town Gaol or place of confinement, for detaining therein from time to time such persons as shall be committed thereto for contravening the By-laws of the said Council, or guilty of loose, idle and disorderly conduct, or other offences.

The furnishing of water and light ;

Proviso ;

Proviso ;

For defraying out of the Funds of the said Town, the expense of furnishing the citizens with water, and of lighting the said Town with Gas or in any other manner, and for obliging the proprietors of real property in the said Town, to allow the necessary works to be performed for such objects on their property, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses : Provided always, that in all such cases, the expense of all such pipes, lamps, and other 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 ;

Common sewers ;

Proviso ;

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 ; Provided always, that the said Council shall not be authorized so to assess the proprietors in any street, for making such common sewers, unless the majority of the proprietors in such street shall have called for such assessment ;

Sweeping and watering the streets ;

For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping and watering and keeping clean such street or public square ; such assessment being in proportion to the assessed value of their property ;

Destruction of property by riots ;

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 may be obliged to pay to persons in the said Town, whose houses or buildings

buildings of any description whatsoever shall be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse, within six months after such destruction or damage caused to any property in the said Town, to pay a reasonable indemnity, to be established by Arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province ;

To prevent the erection of any manufactures or mechanism, worked by steam, in the said Town ; Steam engines ;

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 disease, or for diminishing the effects or the danger thereof. Board of Health.

LII. And for the better protection of the lives and property of the inhabitants of the said Town, and for more effectively preventing accidents by fire, Be it enacted, That the said Council may make By-laws for the following purposes, that is to say : Accidents by fire.

For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases, above the neighbouring houses and buildings ; and at whose cost such chimneys shall be raised, and within what delay they shall be raised or repaired ; Height and construction of chimneys ;

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 ; Fire Engines ;

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 execution of any duty assigned to him by the said Council under the authority of this Section ; Thefts at Fires ;

For establishing, or authorizing and requiring to be established, after each fire in the said City, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof authorized to the effect aforesaid, may summon and compel the attendance of witnesses, and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or Judicial enquiry into cause of fires ;

of such Committee ; and they may also deliver over to be imprisoned in the Common Gaol of the District, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Sweeping of chimneys ;

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 to such licensed Chimney-sweeps ; and for imposing a penalty of not less than Five nor more than Twenty-five Shillings on all persons whose chimneys may have caught fire after the refusal to allow their chimneys to be swept, such penalty to be recovered before the Mayor or Magistrates' Court of the said Town ; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Court shall have power to impose the above penalty in full, on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before such Court ;

Ashes and quick-lime, fires in streets, &c ;

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 ;

Persons present at fires ;
Ladders, &c ;

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 the more easily to arrest the progress of fires ;

Assistance to persons in employ of Council, wounded or perishing at a Fire ;

For defraying out of the Funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town ; or in assisting or providing for the family of any person in their employ, who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or who shall have devoted themselves at any fire in the said Town ;

For vesting in such Members of the Council and in the Fire Inspectors designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town ;

Demolition of houses to stop fires ;

For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Appointment of fire officers ;

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 in the said Town, and for obliging all proprietors, possessors or occupants of houses to admit such Officers for the purposes aforesaid.

Visitation of houses.

LIII. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company, shall, during the time he may so continue to serve, be exempted from serving as a Juror, Constable or Militiaman, excepting during any war or invasion ; and any fireman who shall have served during five consecutive years, shall upon producing a Certificate thereof, signed by the Mayor of the said Town, be for ever exempt from serving as a Juror, Constable or Militiaman.

Exemptions to firemen.

LIV. And be it enacted, That if any person residing in the said Town who shall have been assessed at any sum of money by virtue of this Act, shall neglect or refuse to pay the sum imposed upon him as aforesaid, for a period of thirty days after the Secretary-Treasurer or Collector of the said Council shall have demanded the same, the said Secretary-Treasurer or Collector may and he is hereby required to levy the same, in the ordinary course of proceeding before one or more Justices of the Peace ; and if, after judgment shall have been rendered in favor of the said Council by such Justice of the Peace, for any claim for money made by virtue of this Act, such person shall still refuse or neglect to pay his assessments, then such Justice of the Peace may and he is hereby required to issue at the instance of the said Secretary-Treasurer, a Writ of Execution against the moveable effects of such person refusing or neglecting to pay his assessments, and the amount of such assessments shall be paid over by the party levying the same, into the hands of the said Secretary-Treasurer, after having first deducted therefrom the costs of suit, distress and sale of such moveable effects.

Mode of levying taxes in case of refusal or neglect to pay the same.

Execution.

Taxes from whom recoverable.

Proviso.

Recovery of taxes on property of non-residents.

Proviso :

Owners of property sold under this sect. may redeem it within a certain time.

Proviso : as to surplus of proceeds of sale.

LV. And be it enacted, That 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 or occupier may and shall be entitled to deduct the sum so paid by him for assessment as aforesaid out of the rent which he would have to pay for the possession of such property : Provided always, that when a judgment shall have been obtained and execution issued either against the proprietor or against the occupier, it shall not prevent the party who shall have paid such assessments, without being bound so to do by express agreement, from proceeding against the other party, if the said sum so paid cannot be otherwise recovered.

LVI. And be it enacted, That 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 the Saint Hyacinthe Circuit, or any other Court, 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 Montreal is hereby authorized and required to advertise such sale to be made under the authority of this Section, in an English and in a French newspaper, published in the said Town or in the District of Montreal, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a Bailiff residing in the said Town of St. Hyacinthe, who shall be designated by the 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, on condition, nevertheless, that such purchaser shall have kept up such property in the same state and condition as at the purchase thereof, and that he has not injured the same nor allowed it to be injured, together with the costs attendant upon such sale, with an additional five per centum on the purchase money ; 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 Secretary-Treasurer aforesaid 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.

LVII. And be it enacted, That 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.

Remission of taxes to indigent persons.

LVIII. And be it enacted, That if any person shall transgress any Order or Regulation made by the said Town Council under the authority of this Act, such person shall for every such offence forfeit the sum which in every Order, Rule or Regulation shall be specified, with the costs to be allowed by the Justices of the Peace who shall try such offences, and to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less, in the discretion of the Court: and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. Hyacinthe; 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 Five Shillings or more than Five Pounds; 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.

Punishment of parties transgressing orders of Council.

Proviso:
Time for bringing suits under this section.

Imprisonment limited, &c

Forfeitures of goods illegally sold, &c.

LIX. And be it enacted, That all the debts hereafter due to the said Town Council for all taxes or assessments imposed upon moveable or immoveable property in the said Town, shall by virtue of this Act be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall in all cases of distribution of moneys 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.

Debts due Council for taxes, to be privileged debts.

Proviso.

LX. And be it enacted, That 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.

Fines to be paid to Secretary-Treasurer.

Publication of
By-laws.

LXI. And be it enacted, That before any By-law or Regulation of the said Town Council for the infringement whereof any penalty may be incurred, shall have force or be binding, such By-law or Regulation shall be twice read, that is to say : on two consecutive Sundays at the door of the Parish Church, immediately after Parochial Mass, and also two consecutive Saturdays in the forenoon, upon the market place of the said Town, and every By-law of any nature whatsoever shall be posted up in the place of holding the sittings of the Town Council during fifteen days after the passing thereof.

Power to raise
money by
Loan.

LXII. And be it enacted, That 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.

Interest on
loans, and
provision for
paying the
same.

LXIII. And be it enacted, That 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 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 this Sinking Fund shall remain deposited in such Savings Bank, with the interest which shall accrue thereon, until it shall be equal to the total amount of the capital to be paid off: Provided always, that

Sinking Fund,
to be esta-
blished.

Proviso: total
sum due at
one time
limited.

when the interest and Sinking Funds united shall absorb the 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 the half of their revenues ; And provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid for interest, and what other amount shall have been paid into the Sinking Fund.

Proviso.

LXIV. And be it enacted, That 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 peace within the said Town, and to confine him in a Watch-house, 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.

Any Councilor may order apprehension of drunken or disorderly persons.

LXV. And be it enacted, That it shall be lawful for any Constable, during the term of his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct; and every such Constable shall deliver such person into the custody of the Constable who shall have charge of the Police Station or Watch-house of the said Town, in order to the safe-keeping of the said person, until he shall be brought before the Mayor or other Magistrate to be dealt with according to law.

Powers and duties of Constables in the said Town.

LXVI. And be it enacted, That every person who shall assault, beat or forcibly resist any Constable or Peace Officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat or forcibly resist such Officer or Constable, every such offender shall, upon conviction thereof, before the Mayor or a Justice of the Peace, be liable to a fine of from Two to Ten Pounds currency, and to imprisonment not exceeding two calendar months, notwithstanding the provisions of the Fifty-eighth Section of this Act; Provided always, that it shall be lawful for the said Council or any other Officer, if the offence be serious, to proceed by indictment against any such offender; but only one proceeding at law shall be adopted.

Penalty for assaulting constables, or resisting them.

Proviso.

LXVII. And be it enacted, That the following property shall be exempt from taxation in the Town of St. Hyacinthe:

Property exempted.

All lands and property belonging to Her Majesty, Her Heirs and Successors, or held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors;

All Provincial property and buildings;

Every place of public worship, and every burying ground;

Every public school house, and the ground on which the same is constructed;

Every educational establishment, as well as the ground on which the same is constructed;

All

All buildings, ground and property occupied by hospitals or other charitable institutions ;

Proviso:
Exemption not
to extend to
certain cases.

Every court house and district gaol, and the grounds attached thereto : Provided always, that this exemption shall not extend to lots or to buildings built upon lots leased or occupied by tenants under the Government, or the Ordnance Department in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rate or assessment shall be paid by the said tenants or occupiers thereof.

Certificates
for Tavern
Licenses.

LXVIII. And be it enacted, That from and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver Certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such Certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the Seal of the said Council.

Proceeds of
Tavern
Licenses.

LXIX. And be it enacted, That the amount derived from Tavern Licenses, and all other licenses granted to persons resident in the said Town, authorizing them to sell spirituous liquors, shall be paid over in each year to the Secretary-Treasurer of the said Town by the Receiver General of this Province ; any law to the contrary notwithstanding.

Time for
bringing ac-
tions.

LXX. And be it enacted, That 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.

Encroach-
ments on
streets or
squares.

LXXI. And be it enacted, That 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 inclosures, houses, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving to such persons a reasonable delay for the purpose, which delay shall be specified by 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 the Magistrates' Court in the said Town, from any person making such encroachment or obstruction.

LXXII. And be it enacted, That from and after the passing of this Act, every Landlord, Proprietor or Agent, who shall wilfully grant a Certificate or Receipt which contains 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 lessening or abatement of his assessment, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of Five Pounds currency, or less, and to imprisonment during One Calendar Month, or less, according to the judgment of such Mayor or Justice of the Peace.

Parties granting false receipts to evade taxes.

LXXIII. And be it enacted, That 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 such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of 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 a difference of opinion shall appoint a third; and the said Arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said Arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent proprietors building in certain cases.

Council may purchase the property, paying compensation.

LXXIV. And be it enacted, That the said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or for the erection of any public building, or generally for any object of public utility of what nature soever.

Council may acquire real property in the Town.

LXXV. And be it enacted, That when the proprietor of a lot which the said Council shall be desirous of purchasing for any object of public utility whatsoever shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or femes covert, the said Council may apply to the Circuit Court in the St. Hyacinthe Circuit, 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

Arbitration if the parties be absent or refuse to sell, or have not power to sell in ordinary cases.

of

Payment of
award into
Court, &c.

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 to the said Council to acquire such lot on depositing the price at which it shall have been valued by the said Arbitrators, in the hands of the Prothonotary of the Superior Court in the District of Montreal, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town; and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and the Secretary-Treasurer of the said Town to pay the same.

Ten per cent
added to
arrears of
taxes.

LXXVI. And be it enacted, That in all cases of non-payment of assessments imposed upon any immoveable property in the said Town, the sum of ten per centum upon the amount of the arrears of assessment shall be added each year to such amount, so long as such assessments shall remain unpaid.

Cheques,
&c., to be
signed by
Mayor.

LXXVII. And be it enacted, That no payment shall be made out of the Funds of the said Town, unless the Order or Cheque for such payment be signed by the Mayor and countersigned by the Secretary-Treasurer; or in the absence of the Mayor, every such Order shall be signed by two Members of the said Council appointed for that purpose, and countersigned by the Secretary-Treasurer.

Officers on
retirement
from office to
render their
accounts, and
deliver up
moneys, pa-
pers, &c., in
their hands.

LXXVIII. And be it enacted, That the Secretary-Treasurer of the said Council, and all the other Servants and Officers thereof shall, during their periods of office respectively, or in the course of the month which shall follow their retirement from office, and in such manner as the said Council shall direct, render to the said Council or to any person authorized by them, an exact account in writing of all matters committed to their charge or custody, by virtue of this Act, and also of all moneys which have been received by them, respectively, for the purposes of this Act, and of the amount of all moneys which shall have been paid out, or disbursed by them in favor, or subject to the control of the said Council, and for what purpose they were so paid out; and shall furnish Vouchers in support of their assertions; and every such Secretary-Treasurer, or other Officers retiring from office, shall be bound within the eight days next after the settlement of their respective accounts, to pay to the Secretary-Treasurer of the Council, all sums which shall be due by them; and in case any one of the said Officers shall refuse or purposely neglect to render such accounts

as aforesaid, or to deliver up the Vouchers having reference thereto, or to pay into the hands of the Secretary-Treasurer the sums in which he shall be indebted, or shall refuse or purposely neglect to deliver to the said Council, within three days after he shall have been duly notified to that effect, all Books, Records, Papers or Documents belonging to the said Council, then and in every such case, upon complaint made by the said Council on account of such refusal or negligence as aforesaid, before a Justice of the Peace for the locality wherein the said Officer or Officers shall then reside, the said Justice of the Peace shall be bound and he is hereby authorized and required to issue a Warrant under his hand and seal, to summon such Officer before any two Justices of the Peace for such locality, and upon the appearance of the said Officer, or upon his non-appearance, if he shall not have been found, it shall be lawful for the said Justices of the Peace to hear and determine the complaint in a summary manner; and if it shall appear to the said Justices that moneys remain due by the said Officer, the said Justices shall and they are hereby required upon the non-payment of such moneys to issue a Warrant under their hands and seals for the levying of the said moneys by seizure, distress and sale of the property and effects of such Officer; and if sufficient property and effects be not found to pay the said moneys and costs of seizure, or if it shall appear to the said Justices that the said Officer has refused or purposely neglected to deliver such Accounts or the Vouchers in support thereof, or that any of the Books, Records, Papers or Documents which had been in the charge and custody of the said Officer whilst engaged in the service of the said Council, have not been delivered over to the said Council, and are still purposely retained by him, then and in every such case the said Justices are required to commit the Officer to the Common Gaol of the locality in which he shall reside, there to remain without bail until he shall have paid the moneys as aforesaid, or faithfully delivered up his Accounts and Vouchers, and all Books, Documents or Papers as aforesaid, or satisfactorily answered the complaint brought against him by the said Council; Provided always, that no person shall be so detained in Gaol for more than one month, from inability to pay the amount of the costs of judgment and execution; and provided also, that nothing herein contained shall have the effect of preventing or restricting any judicial proceedings against any Officer of the said Council offending as aforesaid, or against any surety for such Officer.

Proceedings
of Council on
their refusal.

Hearing and
decision of the
complaint.

Execution.

Committal of
delinquent to
Gaol in cer-
tain cases.

Proviso.

Proviso.

LXXIX. And be it enacted, That this Act shall be considered and taken to be a Public Act, and shall be subject to the provisions of the Interpretation Act. Public Act.

CAP. CCXXXVII.

An Act to divide the Common of Maskinongé among the co-proprietors thereof.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS certain inhabitants of the Seigniory of Maskinongé, in the Parish of Saint Joseph de Maskinongé, in the County of St. Maurice, and also of the Parishes of St. Barthelemy and St. Cuthbert, in the County of Berthier, are proprietors in common of a certain land in the said Seigniory of Maskinongé, commonly known as the Common of Maskinongé; And whereas the said proprietors and persons interested therein have, by their petition, represented that it would be more advantageous to all parties interested in the said Common, that a division thereof should be made in accordance with their respective rights therein, and that each one of them should be enabled separately (*par divis*) to enjoy and dispose of his share in the said Common, which cannot be effected without the authority of the Legislature: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be the duty of the President and Trustees of the said Common, or, in their default, of five of the Proprietors thereof, to cause a notice to be given at the doors of the Churches of Saint Joseph de Maskinongé, Saint Barthelemy and Saint Cuthbert, after Divine Service in the forenoon, calling on the Co-proprietors of the said Common to meet at some time not less than fifteen days thereafter, in the public Hall of the said Parish of Saint Joseph de Maskinongé, for the purpose of proceeding to elect a suitable person to be a Commissioner for the purposes of this Act, which person shall have no right in the said Common, and shall not be related or of kin to any of the Co-proprietors thereof; and at the said meeting the then President of the Corporation established under the Act passed in the fourteenth and fifteenth Victoria, chapter one hundred and thirty-four, intituled, *An Act to revive and amend the Act relating to the Common of Maskinongé*, shall preside and draw up a minute (*procès-verbal*) of the proceedings, signed by himself and by two witnesses present at the said meeting, which he shall deposit in the office of the Notary residing nearest to where such meeting shall be held in the said Parish of Saint Joseph de Maskinongé.

Meeting of the proprietors for the election of a Commissioner.

14 & 15 V.
c. 134.

Election of Commissioner and notice to him.

II. And be it enacted, That at the time and place so appointed in the said notice, it shall be lawful for the Co-proprietors of the said Common to proceed to elect the said Commissioner
by

by a majority of the votes of the said Co-proprietors present ; and it shall be the duty of the Notary in whose office the minute of the proceedings of the said meeting shall have been deposited, to notify the person so elected Commissioner, of his election in conformity with the provisions of this Act.

III. And be it enacted, That in case the person elected as Commissioner at the said meeting shall not accept the office, or, having accepted the same, shall afterwards resign, or shall absent himself from the Province, or shall die, or become incapable of acting, it shall then be lawful for the Co-proprietors to proceed to the election of another Commissioner in the manner hereinbefore provided.

Election of another in case of resignation, &c.

IV. And be it enacted, That it shall also be the duty of the said Commissioner within one month after his appointment, to give public notice by an advertisement posted up at the church doors of the Parishes of Saint Joseph de Maskinongé, Saint Barthelemy and Saint Cuthbert, during at least two consecutive weeks, and by public notice on two consecutive Sundays, immediately after Divine Service in the forenoon, at the doors of the Churches aforesaid, of the place where and the days on which his office will be opened, and to require each and every of the said Co-proprietors to exhibit at his office within fifteen days after such notice, all deeds of concession, judgments or other titles establishing their respective rights in the said Common, in order that their rights may be clearly established as hereinafter provided.

Commissioner to call on proprietors for their titles, &c.

V. And be it enacted, That it shall be the duty of the said Commissioner, immediately after the expiration of the time fixed for the deposit of the titles herein ordered to be made with him, to transmit them to one of the Judges of the Superior Court of Lower Canada, in the Town of Three-Rivers, who is hereby authorized and required to examine the same and pronounce judgment thereon, either during the term of the Circuit Court in the Circuit of Three-Rivers, or in vacation, declaring the validity or invalidity of such titles respectively, and to give notice to the Commissioner, of the day on which such judgment will be pronounced, and further, to order a plan of the said Common to be made by a Sworn Surveyor, if a majority of the Co-proprietors present shall require it, at a meeting summoned and presided over in the same manner as the one above mentioned for electing the said Commissioner, and a minute of the proceedings of the said meeting shall in like manner be prepared and deposited as aforesaid ; Provided always, that the boundaries and limits of the said Common as they are at present established and determined, shall be the limits and boundaries of the said Common, for all the purposes of this Act.

Commissioner to transmit titles to Judge of Superior Court, who shall pronounce judgment on them.

Proviso.

VI. And be it enacted, That the said Commissioner on the receipt by him of the said notice from one of the Judges of the said

Commissioner to give notice said

of the judgment, and to divide the Common in conformity to it.

said Superior Court, shall forthwith cause public notice to be given of the time fixed for the rendering of such judgment, by a notice in writing posted upon the doors of the Churches of Saint Joseph de Maskinongé, Saint Barthelemy and Saint Cuthbert, on the Sunday previous thereto, after Divine Service in the forenoon, in order that all parties interested may be present, if they think proper; and after the said judgment shall have been rendered, he shall proceed to determine and establish the number of the persons having rights to shares in the said Common and the share which each Co-proprietor has a right to have and ought to obtain therein, and that whether such right be in virtue of deeds of concession of the lands which the Co-proprietors shall be then in possession of, or by virtue of any judgment establishing such rights, or by any other legal title transferring property, of all which it shall be the duty of the said Commissioner to make a report in detail.

By what considerations the Commissioner shall be guided in assigning the share of each party in the Common.

VII. Provided always, and be it enacted, That if it shall appear to the Commissioner who shall be appointed under this Act, that any stipulation or agreement shall have been made and entered into between the Seigniors of the Seigniorie in which the said Common is situate, and a majority of the Co-proprietors interested in the said Common, determining or establishing the rights of the said Seignior, he shall be guided by such stipulation or agreement as regards the Seignior, in the division of the said Common to be made by him under this Act; but if no such stipulation or agreement shall have taken place, he shall then be guided by the rights of the parties as they may in his opinion exist, according to the titles which shall have been declared valid by the judgment rendered by the said Judge.

Report of Commissioner to be filed in Court, and subject to homologation, &c.

VIII. And be it enacted, That so soon as the said Commissioner shall have made his report as above mentioned, it shall be his duty, after due notice thereof shall have been given to the parties interested therein, to deposit the said report and plan, if such report and plan shall have been demanded and prepared, in the office of the Circuit Court for the Circuit of Three Rivers, and to apply for and obtain the homologation and ratification thereof, either during the sitting of the said Court or during vacation, conformably to the rules of practice of the said Court, and it shall be lawful for the said Judge to order the homologation, amendment or rejection of the said report, according to the nature and circumstances of the said case, and in as summary a manner as possible, with power to the said Judge to pronounce judgment thereon during vacation, if necessary.

Notice to be given that parties may oppose the report if they see fit.

IX. And be it enacted, That it shall be the duty of the Commissioner aforesaid, before proceeding to the homologation of the said report, to cause to be posted up and read at the doors of the Parish Churches of Saint Joseph de Maskinongé, Saint Barthelemy and Saint Cuthbert, on two consecutive Sundays,

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an advertisement giving notice to all persons interested in the division of the said Common, of the day on which the said report and plan, provided such report and plan shall have been demanded and prepared, will be deposited in the office of the said Circuit Court, in order that all parties who shall consider themselves aggrieved either by the division or by the distribution of the said Common which shall be made among them respectively by the said report, or by the omission of their respective rights and pretensions in and to the said Common, or in any other manner whatsoever, may if they deem fit, oppose the homologation of the said report, and obtain justice in that behalf.

X. And be it enacted, That immediately after the said report shall have been homologated, it shall be the duty of the said Commissioner to summon a meeting of the Co-proprietors of the said Common, by a notice to be read and posted up at the doors of the Parish Churches of Saint Joseph de Maskinongé, Saint Barthelemy and Saint Cuthbert, on a Sunday or *fête d'obligation*, after Divine Service in the forenoon, setting forth the day, hour and place for the holding of such meeting, and also the purpose thereof, and that so soon as the said Co-proprietors, or a number thereof, shall be so assembled, the said Commissioner shall call upon them to agree together as to the manner in which the said Common shall be divided, such division to be into as many lots as there shall be shares in the said Common, as to the local situation of their respective lots, and as to the number, situation and extent of the roads or thoroughfares, which it may be necessary to reserve for the use and convenience of the said Co-proprietors; of all which the Commissioner aforesaid shall prepare a *procès-verbal* duly attested as aforesaid, which *procès-verbal* shall be deposited in the office of the said Notary; Provided that the said Commissioner may, if he shall deem necessary, require the services of a sworn land Surveyor, and require him to be present at the said meeting, and the cost of his services shall form part of the costs to be paid to the said Commissioner by the Co-proprietors of the said Common in the manner hereinafter mentioned.

Meeting for agreeing upon the mode of dividing the Common into actual lots, &c.

Proviso.

XI. And be it enacted, That so soon as a majority of the said Co-proprietors present at the said meeting, shall have agreed as to the manner in which the said Common shall be divided, the said Commissioner shall forthwith proceed, in the presence of the said Co-proprietors present at the said meeting, or of so many of them as shall think proper to remain for that purpose at the place of meeting, to determine by lot, what lot or lots shall thereafter belong to each of the said Co-proprietors respectively, without favor or partiality, according to the general practice in like cases in this Province, and shall prepare a *procès-verbal* of the whole, duly certified before witnesses, which said *procès-verbal* he shall deposit in the office of the Notary aforesaid, and the said *procès-verbal* shall for ever thereafter be

Mode in which the lot of each proprietor shall be determined and assigned to him.

a good and valid title to each of the said present Co-proprietors for each share of the said Common which shall be described in the said *procès-verbal* as having fallen to his share by lot.

Rights of the
Seigniors
saved.

XII. And be it enacted, That none of the provisions of this Act shall extend, or be construed to extend, to prevent the Seigniors of the said Seigniorie of Maskinongé, or their heirs and assigns, from requiring, having and exercising all and every the rights of *cens et rentes, lods et ventes, corvées, retrait* and other rights, which may be or shall become due to them, by virtue of the deeds of concession of the said Common, or by virtue of the deed of concession of the lands or dwelling places of the said proprietors, or by virtue of the deed of concession of the said Seigniorie, all and every of which said rights generally whatsoever are hereby wholly reserved, and such reservation shall be expressly stipulated in the *procès-verbal* of distribution by lot above mentioned, which shall be prepared and deposited in conformity with this Act.

Expenses to
be apportioned
among the
Co-proprietors.

XIII. And be enacted, That it shall be the duty of the said Commissioner to cause a just and exact apportionment to be made, determining the proportion of the sum or sums which the said proprietors shall be bound to pay, in order to the levying of the moneys which may be due to the Surveyor or Surveyors employed by the said Commissioner for the purposes of this Act, as well as to defray all other necessary expenses and disbursements which the said Commissioner may incur in the execution of his duty in conformity with this Act, and for the payment of the costs of the application for the homologation of his report, after such costs of homologation shall have been duly taxed, and for the payment of all other just and lawful expenses whatsoever incurred in carrying this Act into effect.

Proprietors to
pay each his
share of ex-
penses.

XIV. And be it enacted, That the said proprietors shall pay to the said Commissioner on demand at any time after the *procès-verbal* of the distribution of the lots shall have been duly prepared and deposited as aforesaid, the proportion or proportions which each one of the said proprietors shall be bound to pay, in accordance with the apportionment which shall have been made in the manner hereinabove provided.

Rights of the
Crown, &c.
saved.

XV. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any Body Politic or Corporate, or of any persons, such only excepted as are herein mentioned.

Public Act.

XVI. And be it enacted, That this Act shall be deemed a Public Act.

CAP. CCXXXVIII.

An Act to incorporate The Canadian Loan Company.

[Assented to 14th June, 1853.]

WHEREAS Alexander Simpson, Jesse Joseph, Alexander Urquhart and Frederick Griffin, Esquires, all of Montreal, William Henry Tilstone, William Rhodes, James Bell Forsyth and Henry Jessopp, Esquires, all of Quebec, and Tyrrell, Paine and Layton, of London, and S. R. Graves, of Liverpool, in England, have, by their prayer, petitioned the Legislature of this Province, praying to be incorporated for the purpose of introducing into and investing Capital in this Province, upon sufficient real securities therein, and it is expedient to accede to their request, and to grant to them the powers, privileges, authorities and immunities necessary for the accomplishment of the undertaking: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Alexander Simpson, Jesse Joseph, Alexander Urquhart and Frederick Griffin, William Henry Tilstone, William Rhodes, James Bell Forsyth, S. R. Graves, Henry Jessopp, and Tyrrell, Paine and Layton, and all such other person or persons as shall from time to time be possessed of any 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 a body politic and corporate, by the name of The Canadian Loan Company.

Preamble.

Certain persons incorporated.

Corporate name.

II. And be it enacted, That it shall be lawful for the said Company to lay out and invest their Capital in the first place, in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder or so much thereof as may, from time to time, be deemed necessary for and towards carrying out the objects of this undertaking as hereinafter mentioned, that is to say, from time to time, and at any time, to lend and advance money by way of loan or otherwise, on real or immoveable estate in the said Province, to be secured by such real security, or both real and personal, and upon such terms and conditions, and at such rate of interest not exceeding seven per centum per annum, as to the said Company shall appear satisfactory, and to do all acts that may be necessary for advancing such money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions

General powers and business of the Company.

Lending money on real property: rate of interest, &c.

annexed to such advances, or any forfeitures consequent on the non-payment thereof, and to give all necessary and proper receipts, acquittances and discharges for the same, and to do, authorize and exercise all acts and powers whatsoever, requisite or expedient to be done or exercised in relation to the said purposes.

Further powers. Lending money to government, municipalities, &c ;

Taking securities.

III. And be it enacted, That it shall be lawful for the said Company to lend and advance money to the Government of the said Province, for any purpose whatsoever, or to any District, County, Parish, Township, City, Town or Village Municipality in the said Province, or to any Board, Trustees, Commissioners, or other person or persons having the care of, or making or executing any public works in the said Province, and at such rate of interest not exceeding seven per centum per annum, as may be agreed upon in any such case, and to take and accept from such Government, Municipality, Board, Trustees, Commissioners or other person or persons, such assignment, grant, demise, obligation, or security of or upon any public revenues or property of the said Province, or upon any rates, tolls, charges or assessments within the said Province, or such other security for the repayment of the money so to be advanced, and also for the interest thereof, as to the said Company shall appear satisfactory, and which shall be good, valid and effectual for the purposes expressed therein, and shall and may be enforced for the benefit of the said Company, and to do all acts that may be necessary for the advancing of such money and recovering and obtaining repayment thereof, and for enforcing the payment of all interest accruing therefrom, or of any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any parts thereof, and to give the necessary or proper receipts, acquittances and discharges for the same, and to do, assent to, and exercise all acts whatsoever, requisite or expedient to be done in regard to the said purposes.

Corporations may take Stock in or lend money to the Company.

IV. And be it enacted, That if at any time any person or any Municipal or other Corporation, civil or ecclesiastical, body politic, corporate or collegiate, or community in this Province or elsewhere, shall be desirous of taking shares of the Capital Stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do, in like manner and with the same rights and privileges in respect thereof as private individuals may do under or by virtue of this Act ; any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any law or usage to the contrary notwithstanding.

Power to hold lands, &c.

V. And be it enacted, That it shall and may be lawful for the Company, and they are hereby empowered to acquire, take and hold either absolutely or conditionally, and to lay out and apply the Capital and other property for the time being of the Company

Company in so acquiring, taking and holding real property, lands and hereditaments in this Province.

VI. And be it enacted, That it shall be lawful for the Company, from time to time, to deal with and dispose of all lands and real property acquired, possessed or held by or in trust for the Company or contracted for or to which the said Company shall be entitled, or any part thereof, by disposing of the same as they may deem most conducive to the interests of the Company, and to lay out and invest their Capital and property for the time being or any moneys to be raised by them, in so dealing and disposing of their lands and real property aforesaid. Power to dispose of lands.

VII. And be it enacted, That all conveyances to be made by the Company, under or by virtue of this Act, of lands in Upper Canada, may be made according to the forms in the Schedule A to this Act annexed, or as near thereto as the circumstances will admit, and of lands in Lower Canada by Notarial *Acte* or Deed according to the law of Lower Canada. Form of conveyance by Company.

VIII. And be it enacted, That every mortgage and bond of lands in Upper Canada, for securing money borrowed from the Company, shall be by Deed under seal, wherein the consideration shall be duly stated, and may be according to the form in the Schedule B to this Act annexed, or as near as the circumstances will admit; and every mortgage of lands in Lower Canada shall be by Notarial *Acte* or Deed according to the law of Lower Canada. Form of mortgages to Company. Hypothecs in L. C.

IX. And be it enacted, That the said Company may and are hereby empowered to demand and receive in advance from any person or party, or from the Government aforesaid, or from any Municipality, Board, Trustee, or Commissioners, or other person or persons, the half yearly interest from time to time accruing on any loans granted by the said Company, under and by virtue of this Act; any Law or Statute of this Province, or of the late Provinces of Lower or Upper Canada notwithstanding. Company may receive interest in advance.

X. And be it enacted, That the capital of the said Company shall, in the first instance, not exceed One Million of Pounds sterling, and shall be divided into forty thousand shares, each of the amount of Twenty-Five Pounds, with power to increase the said capital to One Million Five Hundred Thousand Pounds sterling, to be divided into a proportionate number of shares according to the amount of such increased capital; and such shares shall be numbered in arithmetical progression, beginning with number One, and be respectively distinguished by the numbers affixed to them. Capital. Shares. Increase of Capital. Numbering of shares.

XI. And be it enacted, That all shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate. Shares to be personalty.

Register of
Stockholders.

XII. And be it enacted, That the Company shall keep a book, to be called "The Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons or parties, being Shareholders of the Company, and their several places of abode, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the Common Seal of the Company, being affixed thereto; and every Shareholder, or if such Shareholder be a Corporation, the Clerk or Agent of such Corporation, may at all convenient times peruse such book gratis, and may require a copy thereof or of any part thereof.

Certificates of
Stock.

XIII. And be it enacted, That on demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such Shareholder, and such certificate shall specify the number of shares to which such Shareholder is entitled, and the same may be according to the form in the Schedule C to this Act annexed, or to the like effect; and such certificate shall be admitted in all Courts as evidence of the title of such Shareholder to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Effect of such
certificates.

Renewing
certificates.

XIV. And be it enacted, That if any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the person or party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof, to the satisfaction of the Directors of the Company, a similar certificate shall be given to the person or party entitled to the certificate so lost or destroyed; and in either case, a due entry of the substituted certificate shall be made by the Secretary in the Register of Shareholders.

Transfer of
Shares.

XV. And be it enacted, That, subject to the regulations herein contained, every Shareholder may sell and transfer his shares, or any of them, by Deed or *Acte*, according to the form in Schedule D to this Act annexed, or to the like effect; and the same (when duly executed) shall be delivered to the Secretary, and be kept by him, and the Secretary shall enter a memorial thereof in a Book to be called "The Register of Transfer," and shall endorse such entry on the transfer; and on the request and at the option of the purchaser of any share, a new certificate shall be granted in the manner aforementioned, and an endorsement of such transfer shall be made on the certificate of such share and new certificate, and such endorsement, being signed by the Secretary, shall be considered in every respect the same as a
new

new certificate ; and until such transfer shall have been so delivered to the Secretary as aforesaid, the seller of such share shall remain liable for all the future calls, and the purchaser of the shares shall not be entitled to receive any share of the profits of the said undertaking, or to vote in respect of such share ; Proviso. Provided always, and be it enacted, that any Shareholder desirous of transferring any shares in the Company to any person willing to hold the same, shall give notice thereof in writing to the Directors of the Company, and shall describe therein the name and residence of such intended holder and the number of such shares, or such notice may be given by such intended holder ; and the Directors shall proceed without delay to take such notice into consideration, and shall under the hands of two of them and of the Secretary, certify in writing to the person giving such notice, the approbation or otherwise of the Directors of such proposed transfer, and no such intended holder shall be admitted or registered as a Shareholder unless he shall be so approved, and shall have complied with the regulations and provisions of the Company relating to persons acquiring shares in the Company.

XVI. And be it enacted, That no Shareholder shall be entitled to transfer any share until he shall have paid all calls, Calls must be paid before transfer. for the time being, due on every share held by him.

XVII. And be it enacted, That no assignee of any bankrupt or insolvent Shareholder shall become a member of the Company, in respect of shares possessed by the said bankrupt or insolvent, and vested in such assignee but not assigned, but he shall sell and dispose of such shares in the manner and subject to the provisions herein contained with respect to the sale and transfer of shares. Assignees of Bankrupts not to be Members of Company as such.

XVIII. And be it enacted, That such assignee shall be entitled to receive all dividends upon such shares as shall become due and remain unpaid thereon, before his title to the said shares shall have accrued, but no dividend which shall become due after his title shall have so accrued, shall be payable to or demandable by him, but shall, until some person shall become a Shareholder in respect of the same shares, remain in suspense and shall not be paid until such new Shareholder shall have complied with the regulations and provisions of the Company in regard to the sale and transfer of shares, and thereupon such new Shareholder shall be entitled to such last mentioned dividend, and every transfer shall carry with it the profits, interests and shares of capital and surplus or reserve, or contingent funds in respect of the shares transferred, so as to close all the rights and interests of the party making such transfer, in respect of such transferred shares. Rights of such Assignees.

XIX. And be it enacted, That if the interest in any shares shall become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of Proof of transmission of Shares other- the

wise than by regular transfer.

the marriage of a female Shareholder, or by any other legal means than by a transfer according to the provisions of this Act, the same shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require ; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed, and shall be by such party acknowledged before a Judge or Justice of a Court of Record, or the Mayor, Provost Chief Magistrate of a City, Town, Borough, County or other place, or before a Notary Public, by whom the same shall be signed, and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of the Shareholders of the Company ; and until such transmission shall have been so authenticated, no person or party claiming by virtue of such transmission, shall be entitled to receive any share of the profits of the Company, nor to vote in respect of any such shares as the holder thereof ; Provided always, that every such declaration which shall be made in any Country out of the dominions of Her Majesty, shall be further authenticated by the British Consul or Vice Consul or other accredited representative of the British Government in the Country wherein such declaration shall be made, or shall be made directly before such Consul or Vice Consul or representative ; And further, provided also, that nothing in this Act contained, shall prevent the Directors or Secretary from requiring corroborative evidence of any fact alleged in any such declaration.

Proviso: before whom declaration may be made.

Declaration in case of Transfer of Shares by Marriage ;

And in case of transmission by Will, &c.

XX. And be it enacted, That if such transmission be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share ; and if such transmission have taken place by virtue of any testamentary Instrument or by intestacy, or by the vacancy or renunciation of any estate or succession, the Probate of the Will, or Letters of Administration, or an official extract therefrom, or sufficient proof of inheritance of the claimant, or an authentic copy of the Curatorship to such vacant or renounced estate or succession, and the proceedings therefor as the case may be, shall, together with such declaration, be produced to the Secretary ; and upon such production in either of the cases aforesaid, the Secretary shall make an entry of the declaration in the said Register of Transfers.

As to shares held jointly.

XXI. And be it enacted, That with respect to any share to which several persons may be jointly entitled, all notices directed to be given to the Shareholders shall be given to such of the said persons whose name shall stand first in the Register of Shareholders, and notice so given shall be sufficient notice to all the Proprietors of such share, unless any such joint proprietor

proprietor shall, by writing under his hand, request such notice to be given to any other or all such joint proprietors.

XXII. And be it enacted, That if any money be payable to any Shareholder, being a minor, person voluntarily interdicted, idiot or lunatic, the receipt of the tutor or guardian of such minor, or of the *conseil* jointly with such interdicted person, or of the Curator or Committee of such idiot or lunatic, shall be a sufficient discharge to the Company for the same.

Money payable to minors, &c.

XXIII. And be it enacted, That the Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share; notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts.

XXIV. And be it enacted, That from time to time the Company may make such calls of money upon the respective Shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that thirty days' notice at the least, be given of each call, and that no call shall exceed the amount of two pounds per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in any one year do not exceed the amount of eight pounds per share, and every Shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the Company.

Calls on Stock.

Limitation.

Obligation to pay calls.

XXV. And be it enacted, That if before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same, at the rate of five pounds per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Penalty for non-payment of calls.

XXVI. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the said shares, the Company may pay interest at such rate, not exceeding five pounds per centum per annum, as the Shareholder paying such sum in advance and the Company shall agree upon.

Company may receive payment of Stock in full.

Suits for calls unpaid.

XXVII. And be it enacted, That if at the time appointed by the Company for the payment of any call, the holder of any share fail to pay the amount of such call, the Company may sue such Shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and may recover the same with interests, at the rate of five pounds per centum par annum, from the day on which such call may have been made payable.

What must be alleged in such suits.

XXVIII. And be it enacted, That in any action to be brought by the Company against any Shareholder, to recover any money due for any call, 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 holder of one share or more in the Company, (stating the number of shares,) and is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, (stating the number and the amount of each of such calls,) whereby an action hath accrued to the Company by virtue of this Act.

What must be proved in such suits.

XXIX. And be it enacted, That on the trial of such action, it shall be sufficient to prove that the Defendant, at the time of making such call, was a holder of one share or more in the Company, and that such call was in fact made, and such notice thereof given, as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the amount of two pounds per share, or that due notice of such call was not given, or that the interval of three months between two successive calls had not elapsed, or that calls amounting to more than the sum of eight pounds in one year had been made.

Evidence in such suits.

XXX. And be it enacted, That the production of the Register Book of Shareholders of the Company, or a certified extract therefrom, under the signature of the Secretary of the Company, shall be evidence of such Defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof.

Forfeiture for non-payment.

XXXI. And be it enacted, That if the holder of any share fail to pay a call payable by him in respect thereof, together with the interest that shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited, and that whether the Company have sued for the amount of such call or not.

How such forfeiture shall be declared.

XXXII. And be it enacted, That such declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some

some General Meeting of the Company, to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent General Meeting, to direct the share so forfeited to be sold or otherwise disposed of, and after such confirmation, the Directors may sell the forfeited shares, and either separately or together, or in lots, as to them shall seem fit.

XXXIII. And be it enacted, That a declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter), made before any Justice, or before any Master or Master Extraordinary in the Court of Chancery, or before any Commissioner appointed to take affidavits, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the Secretary of the Company for the price of such share, shall constitute a good title to such share, and thereupon such purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser, upon his signing the undertaking to hold the said shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

Proof of calls being made.

Title to shares sold as forfeited.

XXXIV. And be it enacted, That the Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

Extent of sale for forfeiture.

XXXV. And be it enacted, That if the payment of such arrears of call, and interest, and expenses, be made before any shares so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Payment to stop forfeiture.

XXXVI.

Limited liability of Shareholders.

XXXVI. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the Capital of the Company not then paid up.

Execution against Company.

XXXVII. And be it enacted, That if any execution either at law or in equity, shall have been issued, taken out, or used against the lands, property, or effects of the Company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued according to the practice of the Court in which the action, suit or other proceeding shall have been brought or instituted against any of the Shareholders of the Company, to the extent of their shares, respectively, in the Capital of the Company not then paid up ; Provided always, that for the purpose of ascertaining the names of the Shareholders and the amount of the Capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times to inspect the Register Book of Shareholders without fee.

Proviso.

Recourse of Shareholders overpaying, under execution.

XXXVIII. And be it enacted, That if, by means of any such execution any Shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls already made, and for interest thereon, if any, and all costs and expenses in respect thereof, he shall forthwith be reimbursed such additional sum by the Directors out of the funds of the Company.

Mortgages by the Company.

Form.

XXXIX. And be it enacted, That every mortgage and bond for securing money borrowed by the Company, shall be by Deed under the Common Seal of the Company, wherein the consideration shall be truly stated ; and may be according to the form in the Schedule E to this Act annexed, or to the like effect.

Right of mortgagees, of the Company.

XL. And be it enacted, That the respective mortgagees shall be entitled, one with another, to their respective proportions of the rents, lands and premises comprised in such mortgages, and of the future calls payable by the Shareholders of the Company, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees, respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, or above the bond-creditors of the Company, by reason of priority of the date or registration or anterior or privileged title of any such mortgage, or of the meeting at which the same was authorized, or on any other account whatsoever.

Rights of obligees on bonds of the Company.

XLI. And be it enacted, That the respective obligees in such bonds shall proportionally, according to the moneys secured thereby, be entitled to be paid out of the property or effects of the Company, and of the future calls payable by the Shareholders of the Company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above

above another, or above the mortgagees of the Company, by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

XLII. And be it enacted, That a Register of mortgages and bonds shall be kept by the Secretary, and within thirty days after the date of any such mortgage or bond, an entry or memorial, specifying the number and the date thereof, 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 Shareholders, or by any mortgagee or bond-creditor of the Company, or by any person interested in any such mortgage or bond, without fee or reward.

Register of Bonds and mortgages to be kept.

XLIII. And be it enacted, That from time to time, any person or party entitled to any such mortgage or bond, may transfer his right and interest therein to any other person by Deed, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the Schedule G to this Act annexed, or to the like effect.

Transfer of rights of mortgages, &c.

XLIV. And be it enacted, That within thirty days after the date of every such transfer, it shall be produced to the Secretary, and thereupon the Secretary shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage, and after such entry, every such transfer shall entitle the transferee, his executors, administrators or assigns, to the full benefit of the original mortgage or bond in all respects; and no party having made such transfer shall have power to make void, release or discharge the mortgage or bond so transferred, or any money thereby secured.

Entry of transfers.

XLV. And be it enacted, That the interest of the money borrowed upon any such mortgage or bond shall be payable and paid half yearly to the several parties entitled thereto, and in preference to any dividends payable to the Shareholders of the Company.

Interest on mortgages.

XLVI. And be it enacted, That the Company may, if they think proper, fix a period for the re-payment of the principal money so borrowed, with the interest thereon, and in such case the Company shall cause such period to be inserted in the mortgage or bond, and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond.

Period for payment of Principal may be fixed.

XLVII. And be it enacted, That if no time be fixed in the mortgage or bond for the payment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving

If no period for payment of principal be fixed.

six months previous notice for that purpose, and the Company may at all times pay off the money borrowed, or any part thereof, on giving the like notice; and such notice, if given by a mortgagee or bond-creditor, shall be by writing delivered to the Secretary, and if given by the Company, shall be by writing given either personally to such mortgagee or bond-creditor, or if such mortgagee or bond-creditor be unknown or cannot be found, such notice shall be given by advertisement in the *London Gazette* and *Canada Official Gazette*, and in some other newspaper as hereinafter mentioned; and at the expiration of the said notice, when given by the Company, interest shall cease to be payable on the money secured by such mortgage or bond, unless on demand of such money the Company shall fail to pay the same pursuant to such notice.

Sequestration
in certain
cases.

XLVIII. And be it enacted, That if any interest on any mortgage or bond shall, for thirty days after the same shall have become due, and demand thereof shall have been made in writing, remain unpaid, the mortgagee or bond-creditor may either sue for the interest so in arrear, by action of debt in any Court of competent jurisdiction, or he may require the appointment of a Receiver, or a Sequestrator (*Sequestre*) by an application to be made as hereinafter provided.

Sequestra-
tion—further
provision for.

XLIX. And be it enacted, That if the principal money and interest thereon be not paid within six months after the same has become payable and after demand thereof in writing, the mortgagee or bond-creditor may sue for the same in any Court of competent jurisdiction, or if his debt amount to the sum of Five Thousand Pounds, he may alone, or if his debt does not amount to the sum of Five Thousand Pounds, he may in conjunction with other mortgagees or bond-creditors, whose debts being so in arrear after demand as aforesaid, shall, together with his amount to the sum of Ten Thousand Pounds, require the appointment of such Receiver or Sequestrator by an application to be made as hereinafter provided.

Applications
for sequestra-
tion how to
be made. &c.

L. And be it enacted, That every such application for such Receiver or Sequestrator in the cases aforesaid, shall be by Petition, in writing, and be made to the Superior Courts, or to any Judge or Judges of the said Courts, and on any such application so made, after due service thereof upon the Company according to the practice of the Court where the application is made, and after hearing the parties, and being satisfied of the truth thereof by the affidavit of the Petitioner, or by such other evidence as shall be adduced in support of such Petition, and which evidence the Judge or Court may order to be adduced, it shall be lawful for such Judges or Courts by order in writing, to appoint some person to receive the whole or a competent part of the sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest or until such principal and interest, as the case may be, together
with

with all costs, including the charges of receiving the sums aforesaid, be fully paid; and upon such appointment being made, all such sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the person or party to whom such interest, or such principal and interest, or as the case may be, shall be then due, and on whose behalf such Receiver or Sequestrator shall have been appointed; and after such interest and costs, or such principal, interests and costs have been so received, the power of such Receiver or Sequestrator shall cease.

LI. And be it enacted, That no party shall, in right of any mortgage, be deemed a Shareholder, or be capable of acting or voting as such at any meeting of the Company.

Mortgagees
not Share-
holders.

LII. And be it enacted, That at all reasonable times the books of account of the Company shall be open to the inspection of the respective mortgagees and bond-creditors thereof, with liberty to take extracts therefrom without fee or reward.

Books to be
open to mort-
gagees and
creditors.

LIII. And be it enacted, That at all meetings of the Company every Shareholder shall be entitled to one vote for every five shares held by him, and no Shareholder shall be entitled to vote at any meeting, unless he shall have paid all the calls then payable upon all the shares held by him.

Votes of
Shareholders.

LIV. And be it enacted, That such votes may be given either personally or by proxy, the holders of such proxies being Shareholders, authorized by writing according to the form of the Schedule H to this Act annexed, or in a form to the like effect, under the hand of the Shareholder nominating such proxy, or if such Shareholder be a Corporation, then under their Common Seal or the signature of their Presiding officer and countersigned by the Secretary or Treasurer of such Corporation; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any proprietor after such show of hands, by the majority of the votes of the parties present, including proxies; the Chairman of the meeting being entitled to vote not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Proxies.

Majority to
decide.

LV. And be it enacted, That no person shall be entitled to vote as a proxy, unless the instrument appointing such proxy have been transmitted to the Clerk or Secretary of the Company, five clear days before the holding of the meeting at which such proxy is to be used, and no person shall at any one meeting represent, as proxy, more than thirty Shareholders; neither shall any person, not being a Shareholder qualified to vote, be entitled to speak at any meeting in right of any proxy which he may hold on behalf of any absent Shareholder.

Limitations
respecting
Proxies.

Proxies not to
speak.

Voting on
Shares held
jointly.

LVI. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named Shareholder, alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be requisite.

Voting on
Shares held by
minors, &c.

LVII. And be it enacted, That if any Shareholder be a person voluntarily interdicted, or a lunatic or idiot, such person, lunatic or idiot may vote by himself jointly with his *conseil*, or by his curator or committee, as the case may be, and if any Shareholder be a minor, he may vote by his tutor, sub-tutor, or guardians, or any one of his guardians, and every such vote may be given either in person or by proxy.

Places of
business.

LVIII. And be it enacted, That the chief place of business of the said Company shall be at the City of Montreal, but the said Company shall, from time to time, and at all times hereafter have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portions of this Province, and under such regulations for the management thereof, and to remove the same, as to the Directors of the said Company may seem expedient.

Directors.

First Direc-
tors appointed.

LIX. And be it enacted, That the business and affairs of the said Company shall be conducted and managed by a Board of Directors to be appointed by the Shareholders as hereinafter provided, which Board shall consist of qualified Shareholders, and which Board in the first instance, and provisionally and until the first General Annual Meeting of the Company, shall consist of the Honorable William Walker, the Honorable William Badgley, Benjamin Holmes, Thomas B. Anderson, George E. Cartier, Henry John Noad, Charles Richard Ogden, William Rhodes, and Thomas Ryan, who shall remain in office until the first day of September, one thousand eight hundred and fifty-three, and shall then go out of office, being eligible for re-election; and shall then be replaced by eight Directors to be elected by the Shareholders who shall attend either in their own persons or by proxy; and two of the said Directors shall go out of office by rotation in each year, being however eligible for re-election as Directors, and the election of Directors, in place of those so retiring from office, shall be held at the first Annual General Meeting of the Company by the Shareholders who shall attend either in their own persons or by proxy; and all elections of Directors shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors, and if two or more shall have an equal number of votes in such manner that more than two shall appear to be chosen, then another ballot shall be taken until it shall be determined which of the said two or more shall have a majority of votes; and the

Retirement by
rotation.

Ballot.

Ties.

Chairman.

Directors

Directors shall choose their Chairman; provided always, that three Directors shall be a quorum for the transaction of business; Provided also, that the Directors, to be elected under the provisions of this Act, shall be holders of not less than twenty shares in the said Company.

Quorum.
Proviso.
Qualification
of Directors.

LX. And be it enacted, That the first said Annual Meeting shall be held in the said City of Montreal, on the first day of September, in the year one thousand eight hundred and fifty-three, or next following day, not being a statutory holiday, or any other day to be appointed by the By-law, and the said meetings shall be held on the same day in every successive year thereafter in the said City; and at the said first Annual Meeting, the Shareholders present as aforesaid, shall then determine the mode and manner in which the first and the other two Directors shall retire and in which they shall be then and in future elected, and the notice of all subsequent General Annual Meetings for election of Directors shall contain the names of the two retiring Directors: Provided always, that the retirement of the two first Directors shall be determined by ballot among themselves.

Annual
General
Meetings.

Proviso.

LXI. And be it enacted, That the Directors shall have and exercise the powers, privileges and authorities set forth and invested in them by this Act, and they shall be subject to and be governed by such Rules, Regulations and Provisions as are herein contained with respect thereto and by the By-laws to be made for the management of the said Company; and the Directors shall and may lawfully exercise all the powers of the Company, except as to such matters as are directed by this Act to be transacted by a General Meeting of the Company; they may call any General, Special or other Meetings of the Company or of the Directors which they deem necessary; they may use and affix, or cause to be used and affixed, the Seal of the Company to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective Shareholders; they may declare the forfeiture of all shares on which such calls are not duly paid; they may make any payments, loans and advances as they may deem expedient, which are or shall at any time be authorized to be made by or on behalf of the Company, and enter into all contracts for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a Body Corporate, but by any of Her Majesty's subjects being *sui juris*, or of full age; they may do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities which may hereafter

Powers of
Directors.

As to property
of the Com-
pany.

hereafter be at any time granted to the Company by the Legislature of this Province, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Legislature in giving such further powers and authorities, or in altering or repealing the same, respectively, or any of them; but all the powers shall be exercised in accordance with, and subject to the provisions of this Act in that behalf, and also to the control and regulation of any General Meeting specially convened for that purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such General Meeting: Provided always that the Directors shall be further subject to the limitations and restrictions to be from time to time directed and made by the Trustees hereinafter mentioned, in respect of all or of any of the said powers respecting the management or disposal of the property of the Company: Provided also that all real estate acquired and held by the said Company in virtue of this Act except such as is necessary for the use and occupation of the Company and the purposes thereof, shall be sold and realized at public auction by the Company at any period not later than one year from the acquisition of such real estate.

Powers to be exercised subject to the Act.

Further restriction as to property: Trustees may limit powers.

Proviso: real estate acquired by Company to be sold within a certain time.

Directors may vote by proxy.

LXII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors and appointed in the following form, or to the like effect:

Form of proxy.

" I hereby appoint _____ of _____ Esquire, " one of the Directors of *The Canadian Loan Company* to be " my proxy as Director of the said Company, and as such proxy " to vote for me at all meetings of the Directors of the said " Company, and generally to do all that I could myself do as " such Director, if personally present at such meeting."

A. B. (*Signature.*)

Limitation.

But no Director shall act as proxy for more than three other Directors.

Certain powers to be exercised only by General Meetings.

LXIII. And be it enacted, That the following powers of the Company, that is to say: the choice and removal of Directors, Auditors and Treasurer, unless in the event of being thereby specially authorized, the determination as to the remuneration of the Directors and of the Auditors, the determination as to the borrowing of money on mortgage, and the declaration of Dividends, shall be exercised at a General Meeting of the Company.

Directors to cause minutes of contracts, appointments, &c., to be kept.

LXIV. And be it enacted, That the Directors shall cause notices, minutes or copies, as the case may require, of all appointments made, or contracts entered into by the Directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the

the Directors, and every such entry shall be signed by the Chairman of the meeting at which the matter in respect of which such entry is made was moved or dismissed, at or previously to the next meeting of the Company, or Directors, as the case may be ; and a copy of such entry so signed shall be received as evidence in all Courts and before all Judges, Justices and others, without proof of such respective meeting having been duly convened, or of the persons making or entering such orders or proceedings, being Shareholders or Directors, respectively, or by the signature of the Chairman, all of which last mentioned matters shall be presumed ; and all such books shall, at any reasonable times, be open to the inspection of any of the Shareholders : and the said Trustees shall also cause to be published in the *Canada Gazette* and such other Newspapers as they may select, the limitations and restrictions made by the said Trustees as regards the powers of Directors in the management and disposal of the property of the Company, or such of them as they may deem necessary, and the same being so published, shall be held to be known to any persons or parties thereafter contracting with or prosecuted by the Company or the said Trustees, and no proof thereof shall be required to be produced by the said Company or Trustees other than a copy of the *Canada Gazette* containing them ; but the non-publication of any such limitations or restrictions shall not relieve the Directors themselves from their liability if they exceed their powers as so limited and restricted by the Trustees, and such limitations and restrictions or any of them may be revoked or others made in their stead by any subsequent instructions made and published by the Trustees as aforesaid.

Trustees may cause limitations of the powers of the Directors to be published.

Effect of such publication.

Limitations may be altered.

LXV. And be it enacted, That all acts done by any meeting of the Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error 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.

Acts of Directors valid notwithstanding error as to appointment.

LXVI. And be it enacted, That no Director, by being a party to, or making, signing, or executing, in his capacity of Director, any contract or other instrument on behalf of the Company, or otherwise lawfully executing any of the powers given to the Directors, shall be subject to be sued or prosecuted, either collectively with others or individually, by any person whomsoever ; and the bodies or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed or executed by them or any of them, or by reason of any other lawful act done by them or any of them in the execution of any of their powers as Directors, and the Directors shall be indemnified out of the capital of the Company for all payments made or liabilities incurred in respect of any acts done by them,

Non liability of Directors acting within their powers.

and for all losses, costs and damages which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company shall apply the existing funds and capital of the Company for the purposes of such indemnity, and shall if necessary for that purpose, make calls of the capital remaining unpaid.

Trustees in
England to be
appointed by
Shareholders.

LXVII. And be it enacted, That at the first Annual Meeting, to be held as aforesaid, three Trustees resident in England shall be appointed by the Shareholders then present in person or by proxy, as aforesaid, who shall continue in office until others shall be elected in their stead, and the said Trustees shall go out of office every fifth year, being however eligible for re-election as Trustees, and the election of the Trustees retiring from office, shall be made by the Shareholders in the same manner as for the election of Directors, and the notice of the Annual Meeting at which the election of Trustees shall be held, shall contain the name of the retiring Trustees.

Property of
Company to
be held in the
name of the
said Trustees.

LXVIII. And be it enacted, That all land, properties, moneys and effects whatsoever, and all mortgages, bonds, assignments, demises, grants, obligations, and all other obligatory instruments and evidence of debt or muniments whatsoever, or securities whatsoever for money, and all deeds and conveyances for the purchase and holding of any lands or real estate, shall be made and taken in the name of the said Trustees jointly, and shall together with all rights and claims belonging to or had by the said Company, be vested in the said Trustees for the time being for the use and benefit of the Company, and upon the death or retirement of any Trustee or Trustees, then in his or their successors for the same estate and interest as the former Trustee or Trustees had therein, subject to the same trusts, without any assignment or conveyance whatever, and also shall for all purposes of actions or suit, as well Criminal as Civil, at Law or in Equity, in any wise touching or concerning the same, be deemed and taken to be, and shall in every proceeding, when necessary, be stated to be the property of the person or persons appointed to the office of Trustees of such Company for the time being, in their proper names, without further description, and such persons shall and are hereby authorized to bring or defend or cause to be brought or defended, any action, suit or prosecution, Criminal or Civil, at Law or in Equity, touching or concerning the property, rights or claims aforesaid, of or belonging to or had by such Company, and to sue and be sued, plead and be impleaded in their proper names aforesaid as such Trustees of such Company, without other description; and no suit, action or prosecution, shall be discontinued or abated by the death, removal or retirement from office of the said Trustees, or of any of them as aforesaid, but the same shall and may be proceeded in by the succeeding Trustees or Trustee, in the proper names of the persons commencing the same, any law, usage, or custom to the contrary notwithstanding,

notwithstanding, and such succeeding Trustee or Trustees shall pay or receive like costs as if the action, suit or proceeding, had been commenced in their names for the benefit of or to be reimbursed from the funds of the Company: Provided always, that any two of the said Directors, parties to any such mortgage, bond, assignment, demise, grant, obligation, obligatory instrument, evidence of debt, security for money, deed or conveyance, or document or writing to which the said Trustees shall require to be parties, shall in every case represent the said Trustees, and the Signatures of the said two Directors for the said Trustees shall be held as against third parties to be a sufficient execution of the said instruments, deeds, acts, documents, and writings as if the same were in fact executed by the said Trustees, save only where in the execution of such instrument the Directors shall have exceeded their power as limited by the Trustees by some instructions published as aforesaid, and then in force.

Proviso: two Directors may act for the Trustees in the execution of deeds, &c.

Exception.

LXIX. And be it enacted, That all mortgages or bonds for the loan of any money borrowed by the Company shall be made and executed by and in the names of the said Trustees jointly as such Trustees; and notwithstanding any change among or of the said Trustees, the said mortgages or bonds shall have the same and the like force and effect as if no such change had been made, and the said mortgagees or bond-holders shall have and continue to have and exercise all and every the rights, claims and demands to them belonging in virtue of such mortgage and bonds as hereinbefore provided therefor.

Mortgages to be to Trustees.
Perpetual succession of Trustees.

LXX. And be it enacted, That every agent, officer or person employed by the Company shall from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the Company, with the vouchers and receipts for payments made by them; and such account shall state how, and to whom, and for what purpose such moneys shall have been disposed of, and every such agent, officer or person shall pay to the Directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Officers, &c., to account for all moneys of the Company when called upon.

LXXI. And be it enacted, That if any such AGENT, officer or person fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if, for three days after he shall have been thereunto required, he fail to deliver up to the Directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of this Act, or belonging to the Company, then on complaint thereof being made to a Justice, such

Made of compelling such officers, &c., to account for and pay over or deliver moneys and property.

Justice shall, by Summons or Warrant under his hand, cause such agent, officer or person to be brought before any two or more Justices, and upon being so brought before them, or if he cannot be found, then in his absence such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by him, and if it appears either upon his confession or upon evidence, or upon inspection of the account, that any moneys of the Company are in his hands, or owing by him to the Company, such Justices may order him to pay the same; and if he fail to pay the amount, it shall be lawful for such Justices to grant a Warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months; if he do not appear before the Justices at the time and place appointed for that purpose, or if he appear, but fail to make out such account in writing, or if he refuse to produce and deliver to the Justices the several vouchers and receipts relating to such account, or if he refuse to deliver up any books, papers or writings, property, effects, matters or things in his possession or power, belonging to the Company, such Justices may lawfully commit such offender to Gaol; and in every such case of commitment, the prisoner shall remain in custody without bail, until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto, in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power; Provided always, that no such proceeding against, or dealing with any such agent, officer or person as aforesaid, shall deprive the Company of any remedy which they might otherwise have against any surety of such agent, officer or person.

Proviso.

Accounts to be kept.

LXXII. And be it enacted, That full and true accounts shall be kept of all sums of money received or expended on account of the Company by the Directors, and all persons employed by or under them, and of the articles, matters and things for which such sums of money shall have been received or disbursed and paid.

Dividends not to impair Capital.

LXXIII. And be it enacted, That the Company shall not make any dividend whereby their Capital Stock may be in any degree reduced.

Contingent fund.

LXXIV. And be it enacted, That before apportioning the profits aforesaid, the Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging or improving the estates of the Company, or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

LXXV. And be it enacted, That no dividend shall be paid in respect of any share, until all calls then due, in respect of that, or of any other share held by the person to whom such dividend may be payable, shall have been paid.

No dividend on Shares on which calls are unpaid.

LXXVI. And be it enacted, That it shall be lawful for the Company, from time to time to appoint such and so many officers, solicitors and agents, either in this Province or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company, and to make such By-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such By-laws and make others, provided such By-laws be not repugnant to the laws of this Province, or to the provisions of this Act; and such By-laws shall be reduced into writing, and shall have affixed thereto the Common Seal of the Company, and a copy of such By-laws shall be given to every officer and servant of the Company, and any copy or extract therefrom, certified under the signature of the Secretary, shall be evidence in all Courts of Justice in this Province of such By-laws or extract from them, and that the same were duly made and are in force; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the Seal of the Company, and all documents purporting to be sealed with the Seal of the Company, shall be taken to have been duly sealed with the Seal of the Company.

Company to appoint officers, agents, &c.

And may make By-laws for certain purposes.

Proof of By-laws.

LXXVII. And be it enacted, That where in this Act any sum of money is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Levying money by distress.

LXXVIII. And be it enacted, That no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

Want of form not to make the officer a trespasser.

LXXIX. And be it enacted, That if any person shall think himself aggrieved by any determination or adjudication of any Justices

Appeal given on certain conditions.

Justices under the provisions of this Act, he may appeal to any Superior Court having jurisdiction in the place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within one month next after the making such determination or adjudication, and unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, and unless the appellant forthwith, after such notice, enter into recognizances, with two sufficient sureties, before a Justice conditioned duly to prosecute such appeal, and to abide the order of the Court thereon, and such appeal in all other particulars shall be regulated and governed in the manner provided for all other appeals to the said Court.

Appeal to be decided in a summary way.

LXXX. And be it enacted, That at the Court for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way, according to the practice of the Court in such cases; and upon the hearing of such appeal, the Court may, if they think fit, mitigate any sum of money ordered to be paid, or they may confirm or quash the adjudication, and order any money paid by the Appellant, or levied by distress upon his goods, to be returned to him; and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs both of the adjudication and of the appeal, as they may think reasonable.

Services of notice, &c., on the Company.

LXXXI. And be it enacted, That any summons, notice, demand or writ, or other proceeding at law or in equity, requiring to be served or made upon the Company, may be served or made by the same being given personally to the Secretary of the Company, or being left at the office of the Company, or being delivered to some inmate at the place of abode of such Secretary.

Transmission of notice by Post.

LXXXII. And with respect to any such notice required to be served by the Company upon the Shareholders, Be it enacted, That unless any such notice be expressly required to be served personally, it shall be sufficient to transmit the same by post, directed according to the registered address or other known address of the Shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice, and, in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

Publication of notices, &c.

LXXXIII. And be it enacted, That all notices required by this Act to be given by advertisement in a newspaper, shall be signed by the Chairman of the meeting at which such notices shall be directed to be given; or by the Secretary or other Officer of the Company, and shall be advertised in the *London Gazette* and the *Canada Gazette* published by authority in this Province, and in such other newspapers published in the Province, as the Directors

Directors shall order, unless otherwise specially provided by this Act, and the same shall thereupon be deemed and considered the same as personal notices.

LXXXIV. And be it enacted, That every summons, demand or notice, or other such document requiring authentication by the Company, may be signed by one Director, or by the Secretary of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Authenticat-
ion of notices,
&c.

LXXXV. And be it enacted, That 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; and every such release or discharge under the hands and seals of two of the Directors, shall be as effectual for the purpose aforesaid as if made under the Common Seal of the Company.

Releases to
qualif-
witness.

LXXXVI. And be it enacted, That if before action brought, any party having committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority given, make tender of sufficient amends to the party injured, such party shall not recover any action brought on account of such irregularity, trespass, or other wrongful proceeding; and if no such tender shall have been made, it shall be lawful for the Defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where Defendants are allowed to pay money into Court.

Tender of
amends in
suits for things
done under
this Act.

LXXXVII. And be it enacted, That 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: the expression "Superior Courts," shall mean Her Majesty's Superior Courts of Record in the Province of Canada, or in Great Britain or Ireland, as the case may require; 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 District, County, City, liberty or place, 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 situate not wholly in any one District, 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 Company, in this Act mentioned and described; the word "Mortgage", when applied to lands in Lower Canada, shall mean and include *Privilège* or *Hypothèque*.

Interpretation
clause.

LXXXVIII.

When this Act shall come into force : exception.

LXXXVIII. And be it enacted, That this Act shall not go into operation until ten per centum of the said Capital is paid up, except in so far only as regards such proceedings as are preliminary to the paying up of the said per centage on the Capital of the Company.

Company to furnish information to Governor.

LXXXIX. And be it enacted, That the said Company shall at all times furnish to the Governor of this Province, such information and particulars, in such form, and attested in such manner as the said Governor shall require, and such portion of such information as the Governor shall think proper shall be published for the information of the Public.

Duration of Corporate capacity.

XC. And be it enacted, That the duration of the said Company or Corporation is hereby limited to forty years from the passing of this Act, when it shall by the mere lapse of the said term be dissolved and determined.

Public Act.

XCI. And be it enacted, That this Act shall be a Public Act, and the Interpretation Act shall apply thereto.

Schedules referred to by the foregoing Act.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the sixteenth year of the Reign of Queen Victoria, intituled, (*here set forth the title of this Act.*) We, "The Trustees of the "Canadian Loan Company," 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 ways, rights and appurtenances thereto belonging, and all such estate, right, title and interest in and to the same as we, the said Company, are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the Common Seal, this _____ day of _____ in the year of Our Lord

SCHEDULE B.

FORM OF MORTGAGE DEED.

By virtue of an Act of the Legislature of Canada, passed in the sixteenth 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 Canadian Loan Company," do hereby, pursuant to the said Act, convey to the Trustees of 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 _____

in and to the same, as I am or shall become possessed of. To hold the same to the said Trustees, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, the said sum of _____ on the _____ day of _____ eighteen _____ with interest for the same, at the rate of _____ for every hundred pounds, by the year, payable half yearly, on the _____ day of _____ and _____ 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 sixteenth 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 Trustees of the Canadian Loan Company," am held and firmly bound to the said Trustees, their successors and assigns, in the penal sum of _____ pounds, to be paid to the said Company, their successors or 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 Trustees, their successors or assigns, on the _____ day of _____ which will be in the year eighteen _____, the principal sum of _____, together with interest for the same, at the rate of _____ per centum per annum, payable half yearly, on the _____ day of _____ and _____ 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.

FORM OF CERTIFICATE OF SHARE.

"Canadian Loan Company."

Number

These are to certify that A. B. is a proprietor of the share number _____ of "The Canadian Loan Company," subject to the rules, regulations and orders of the said Company, and that the said A. B., his executors, administrators, (*or successors*) and assigns, is and are entitled to the profits and advantages of such share.

Given under the Common Seal of the Company, the
day of _____ in the year of Our Lord

SCHEDULE

SCHEDULE D.

FORM OF TRANSFER OF SHARES.

I, _____ of _____, in consideration of the sum of _____ paid to me by _____ of _____, do hereby assign and transfer to the said _____ share (or shares, as the case may be) numbered _____ of, and in the undertaking called "The Canadian Loan Company," to hold unto the said his executors, administrators and assigns (or successors and assigns) subject to the same conditions as I held the same immediately before the execution hereof; and I, the said _____ do hereby agree to accept and take the said share (or shares) subject to the same conditions.

As witness our hands and seals, the _____ day of _____

SCHEDULE E.

FORM OF MORTGAGE DEED.

Number _____

By virtue of an Act passed in the Session of Parliament held in the sixteenth year of the Reign of Queen Victoria, intituled, (*here set forth the title of the Act.*) We, "The Trustees of the Canadian Loan Company," in consideration of the sum of _____ to us paid by A. B. of _____, do assign unto the said A. B., his executors, administrators and assigns, (*here describe the property, profits, calls, capital or other security upon which the money shall have been agreed to be advanced*) and all estate, right, title and interest of the said Association of, in and to the same, and power to make and enforce payment of all or any of the calls here assigned or intended so to be, to hold unto the said A. B., his executors, administrators and assigns, until the said sum of _____, together with the interest for the same after the rate of _____ for every one hundred pounds for a year, shall be fully paid and satisfied.

Given under our Common Seal, this _____ day of _____ in the year of Our Lord _____

SCHEDULE F.

FORM OF BOND.

"The Canadian Loan Company."

Bond Number _____

By virtue of an Act passed by the Legislature of Canada, in the sixteenth year of the Reign of Queen Victoria, intituled, (*here*

(*here insert the title of this Act,*) We, "The Trustees of the "Canadian Loan Company," in consideration of the sum of _____ pounds, to us in hand paid by A. B. of _____, do bind ourselves and our successors unto the said A. B., his executors, administrators and assigns, in the penal sum of _____ pounds.

The condition of this obligation is such, that if the said Company shall pay unto the said A. B., his executors, administrators and assigns, on the _____ day of _____ which will be in the year of Our Lord one thousand eight hundred and _____, the principal sum of _____ pounds, together with interest on the same, at the rate of _____ pounds 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.

Given under our Common Seal, this _____ day of _____

SCHEDULE G.

FORM OF TRANSFER OF MORTGAGE OR BOND.

I, A. B., of _____ in consideration of the sum of _____, paid by _____, of _____, do hereby transfer a certain mortgage (*or bond*) number _____ made by "The Trustees of the Canadian Loan Company" to _____ bearing date the _____ day of _____ for securing the sum of _____ and interest, and all my right, estate and interest in and to the possessions, profits, calls and property (*as the case may be*) thereby assigned, together with all covenants, and other securities granted or entered into by or on behalf of the said Association in respect thereof.

Dated this _____ day of _____ in the year _____ of Our Lord _____

SCHEDULE H.

FORM OF PROXY.

A. B., of _____ one of the Shareholders of "The Canadian Loan Company" doth hereby appoint C. D. of _____ to be proxy of the said A. B., in his absence, to vote in his name upon any matter relating to the undertaking proposed at the meeting of the Shareholders of the Company, to be held on the _____ day of _____ next, in such matter as the said C. D. doth think proper.

In witness whereof the said A. B. doth hereunto set his hand (*or, if the Corporation, say,* the Common Seal of the Corporation) the _____ day of _____

C A P .

CAP. CCXXXIX.

An Act to amend and extend the Charter of *The Woodstock and Lake Erie Railway and Harbour Company*.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Woodstock and Lake Erie Railway and Harbour Company have prayed that the time allowed them by their Act of incorporation to commence and complete their Railway and other works may be extended, that their capital may be increased, that they may be allowed to extend their Road to Dunville, and that certain other amendments may be made to their said Act of incorporation, to facilitate them in carrying out their undertaking, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the twenty-ninth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Woodstock and Lake Erie Railway and Harbour Company*, the said Act shall be and is hereby declared to be and shall continue to be in full force and effect, provided the said Woodstock and Lake Erie Railway and Harbour Company shall commence the construction of the works therein mentioned within two years from the passing of this Act, and shall complete the same and the extension thereof hereinafter authorized within ten years from the same time, and if they be not commenced within the period first aforesaid, the said Act and this Act and the powers thereby granted shall cease and determine, and if the said works be not so completed within the period secondly mentioned, then the said Act and this Act and the powers thereby granted, shall cease and determine as regards such part of the said works as shall not then be completed and open to the use of the Public, but shall remain in force as to such parts of the said works as shall then be completed and open as aforesaid.

Powers given by Act 10 & 11 V. c. 117, continued for a certain time, on certain conditions.

Extension of Railway authorized, and powers of Company, &c., to apply to such extension.

II. And be it enacted, That the said Company shall have full power and authority to extend their Railway from Port Dover (or from Simcoe, or from any point between those places) to Dunville in the County of Haldimand, and to such extension all the provisions of the said Act and of this Act, and all the powers thereby or hereby granted to the said Company, shall extend and apply as fully to all intents and purposes whatever as to the Railway in the said Act mentioned, or as they could do if the said extension had been mentioned in the said Act as
part

part of the Railway the said Company were thereby authorized to construct: Provided always, that such Company shall be compelled to extend their Road from Woodstock to Port Dover and construct the same at the same time with the extension thereof to Durville. Proviso.

III. And be it enacted, That the Capital Stock of the said Company may be equal to but shall not exceed the sum of Five Hundred Thousand Pounds currency, divided into shares of Five Pounds each; any thing in the twenty-third section or in any other part of the said Act to the contrary notwithstanding, and such increased Capital Stock may be raised and dealt with in like manner as the Capital Stock mentioned in the said Act, and under the provisions of the said Act as hereby amended. Increase of Capital provided for.

IV. And be it enacted, That the eighteenth Section of the Railway Clauses Consolidation Act, except the paragraph or subdivision thereof marked *Thirdly*, shall be and is hereby incorporated with the Act hereby amended and with this Act, and shall extend and apply as well to any subscription by any Municipality to the Stock of the said Company before the passing of this Act as to such subscriptions after the passing thereof: Provided, that if the amount of Stock held by any Municipality be not sufficient to entitle the Mayor, Warden or Reeve of such Municipality to be an *ex officio* Director of the said Company, then such person or persons as shall be thereunto from time to time empowered by By-law of the Municipality, may vote upon such Stock in like manner as private Shareholders; And provided also, that it shall be lawful for the Municipality of the Township of Woodhouse, by any By-law to be passed by the Council thereof within two months from the passing of this Act, to withdraw the subscription of the said Municipality before the passing of this Act, to the stock of the said Company, in which case such subscription shall be void and of no effect, but if such By-law be not passed within the said period, then the said subscription shall be valid and shall bind the said Municipality: Provided further, that any Stockholder in the said Company who may have subscribed for such Stock before the passing of this Act may, within the said period of two months from the passing of this Act, withdraw from the said Company by a written request to the Secretary of the Company to that effect, and thereupon such Stockholder shall be discharged from any further liability on account of the said Company, and shall receive back any sum or sums of money he may have paid to the Company on account of such stock. Sect. 18 of 14 & 15 V. c. 51, to apply to Company, except the third paragraph.

Proviso.

Proviso: Municipality of Port Dover may withdraw their subscription within a certain time.

Proviso: Any subscriber may withdraw within a certain time.

V. And be it enacted, That so much of the eighteenth Section of the Act first above cited as requires that each of the Directors of the said Company shall be a Stockholder to the extent of one hundred shares, shall be repealed; and the Directors of the Company shall be chosen from among the Stockholders holding Stock to the extent of twenty-five shares each, Sect. 18 of 10 & 11 V. c. 117 amended as regards the number and qualification of Directors.

which

which shall be the qualification of a Director, except always, that it shall not be necessary that any *ex officio* Director should be the holder of any Stock of the said Company: and in addition to the number of Directors mentioned in the said Act, the Board of Directors shall include also the *ex officio* Directors mentioned in the next preceding Section, who shall respectively have all and every the powers vested in Directors by the said Act.

Certain clauses of 14 & 15 V. c. 51 incorporated with this Act.

VI. And be it enacted, That the several Clauses of the Railway Clauses Consolidation Act, with respect to "Powers," "Tolls," "Actions for Indemnity and Fines and Penalties and their prosecution," "Working of the Railway," and "General provisions," shall be and are hereby incorporated with the Act hereby amended, and with this Act; and so much of the said Act as may be inconsistent with any of the provisions of the said Clauses of the Railway Clauses Consolidation Act, shall be and is hereby repealed.

Public Act.

VII. And be it enacted, That this Act shall be held to be a Public Act.

C A P . C C X L .

An Act to incorporate *The Perth and Kemptville Railway Company.*

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the construction of a Railway from the Town of Perth, in the County of Lanark, to the Bytown and Prescott Railway, at or near Kemptville, in the County of Grenville, with power to extend the said Railway westward to the Town of Belleville, or to the Town of Peterborough, must conduce greatly to the benefit of the inhabitants residing on the line of such Railway and in the surrounding country, and greatly contribute to increase the trade and revenue of this Province; And whereas R. Knap, R. Kernahan, R. Shaw, R. E. Matheson, J. Doran, H. Burret, A. Merrick, S. H. Merrick, J. C. Lonsdale, J. S. French, A. R. Ward, J. S. Archibald, P. Jones, J. Bower, L. Clothier, T. M. Radenhurst, E. H. Whitmarsh, J. L. Read, Stephen Merrick and others, have prayed to be incorporated with the powers requisite for making and maintaining such Railway: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said R. Knap, R. Kernahan, R. Shaw, R. E. Matheson, J. Doran, H. Burret, A. Merrick, S. H. Merrick, J.

Certain persons incorporated.

J. C. Lonsdale, J. S. French, A. R. Ward, J. S. Archibald, P. Jones, J. Bower, L. Clothier, T. M. Radenhurst, E. H. Whitmarsh, J. L. Read and Stephen Merrick, together with such other person or persons, Corporations or Municipalities, as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Perth and Kemptville Railway Company*.

Corporate name.

II. And be it enacted, That 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," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained, subject always to the following modification of the ninth sub-section of the Clause of the said "Railway Clauses Consolidation Act," headed "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for stations, depôts or other purposes, in any City, Town or Village, in the line of the said Railway.

Certain clauses of the Railway Clauses Consolidation Act incorporated with this Act.

Modification of clause 9 of said Act.

III. And be it enacted, That the said Company and their servants or agents, shall have full power under this Act to lay out, construct, make or finish a double or single track Railway or Road, at their own cost and charges, on and over any part of the country lying between Perth and the Bytown and Prescott Railway, at or near Kemptville aforesaid, and also if they see fit to extend such Railway or Road to the Town of Belleville or to the Town of Peterborough; Provided always, that inasmuch as an Act hath been passed during the present Session, incorporating the Brockville and Ottawa Railway Company, and empowering the said Company to construct a Railway from Brockville to the River Ottawa, and to make a Branch Railway from the Rideau at or near Smith's Falls to the Town of Perth, therefore the said Perth and Kemptville Railway Company shall not construct any Railway from Perth to any place at or near Smith's Falls aforesaid, unless the said Brockville and Ottawa Railway Company shall fail to make and complete their said Branch Railway from, at or near Smith's Falls to Perth, within five years from the passing of their said Act of incorporation, or shall by an agreement in writing signed by the Directors of the said Company, and under

Power to construct Railway.

Proviso: Saving the rights of the Brockville and Ottawa Railway Company.

under the Corporate Seal thereof, relinquish to the said Perth and Kemptville Railway Company, all right to construct such Railway between Perth and Smith's Falls.

Form of Deeds to Company.

IV. And be it enacted, That deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may, at the option of the Company, and as far as the title to the said land or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to enter in their Registry Books such deeds, and all other deeds under this Act for such lands, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; and the said Company are to pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

Registration thereof.

Conveyance by wife with her husband to operate as a bar of Dower.

V. And be it enacted, That the simple execution of any deed or conveyance under this Act, by any married woman, with her husband, shall operate as a bar of Dower on the lands thereby conveyed, and a conveyance of the title therein, if the same be owned by her, without any other ceremony or formality whatever.

Capital Stock.

Shares.

VI. And be it enacted, That the Capital Stock of the said Company shall be One Hundred and Fifty Thousand Pounds currency, to be divided into fifteen thousand shares of Ten Pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such other persons and Corporations as may become Subscribers towards such Stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the said Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township, on or near the line of the said Road, to pay out of the General Funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Proviso as to preliminary expenses.

First Directors named.

VII. And be it enacted, That H. Burret, A. Merrick, J. C. Lonsdale, R. Knap, T. M. Radenburst, L. Clothier, R. Shaw, J. Doran, R. E. Matheson, A. R. Ward, J. S. Archibald, R. Kernahan, J. Bower, E. H. Whitmarsh, J. L. Read and Stephen Merrick, shall be and are hereby constituted and appointed

appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, and they, or a majority of them, shall have power to open Stock Books, and to make a call on the shares subscribed in such Books, and call a meeting of Subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as by the said Railway Clauses Consolidation Act are conferred upon the Directors elected under the said Act, or named by this Act.

Their powers.

VIII. And be it enacted, That when and so soon as one sixth of the said Capital Stock shall have been subscribed, the said Directors, or a majority of them, shall call a General Meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days public notice of the same in one or more newspapers published in the Towns of Bytown, Perth and Prescott, and at such said General Meeting and at the Annual General Meeting mentioned in the next following Section, the private Shareholders present having paid ten per cent on the Stock subscribed by them respectively, shall, either in person or by proxy elect nine Directors in manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided by the Railway Clauses Consolidation Act, shall hold office until the second Monday in January following, or in case of the failure of the election of Directors at that date, then the said Directors shall continue to hold office until the election of Directors takes place.

First General Meeting how to be called.

Election of Directors.

Term of office.

IX. And be it enacted, That on the said second Monday in January, and on the second Monday in January in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders entitled to vote at such Election, seven Directors; and public notice of such Annual Election shall be published one month before the day of Election in the *Canada Gazette*, and also once at least fifteen days before the Election in one newspaper in each City, Town or County on the line of the Road, and if any vacancy shall occur among the said seven Directors, by death, resignation or otherwise, such vacancy shall be filled, or left without being filled, as shall be decided by a majority of the Board of Directors, and the acts of the Board of Directors shall be good and valid, notwithstanding such vacancy or vacancies, provided there remains besides such vacancies a full majority of the whole Board of Directors; and the said seven elected Directors with the said *ex officio* Directors shall form the Board of Directors.

Seven Directors to be elected annually.

Notice of Meeting.

Vacancies how filled.

Acts of remaining Directors valid.

X. And be it enacted, That a majority of the said Board of Directors shall form a *quorum* for the transaction of business; Provided,

Majority of Board to be a quorum.

Provided, that the Directors may employ one of their number as a paid Director.

Qualification of Directors.

XI. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of One Hundred Pounds, who shall have paid up all calls due and payable on such Stock.

Instalments how called in.

XII. And be it enacted, That the Directors of the said Company shall have power, from time to time, to make such calls of money from the Subscribers or holders of shares in the Capital of the said Company, who shall not already have paid the full amounts due and payable in respect of their respective shares, as they shall deem necessary, so that no such call shall at any one time exceed the sum of One Pound and Five Shillings upon each share which any person or Corporation shall be possessed of or entitled unto, or the Subscriber or holder of, nor made payable at a less interval than one month from the previous call, and twenty-one days notice at least shall be given of every such call in such manner as the Directors shall appoint.

Limitation of calls.

Stockholders to have one vote for each Share.

XIII. And be it enacted, That the number of votes to which each Shareholder shall be entitled on every occasion when votes of the Shareholders are to be given, shall be in proportion to the number of shares held by him, and no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting; and any Municipal Corporation whose Warden, Mayor or Town Reeve shall be *ex officio* a Director of the said Company, shall not vote or be entitled to vote in or for the Election of other Directors of the Company to be elected by the Shareholders, or to vote at any General Meeting of the Shareholders.

As to Municipal Corporations.

Company may be parties to Notes, and how.

XIV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes or Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President, or the Vice-President of the Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note

Seal not requisite.

Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Note intended to be circulated as money or as Notes or Bills of a Bank. Proviso.

XV. And be it enacted, That it shall and may be lawful for the said Company, with the consent of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the Crown not theretofore granted or sold, lying in the route of the said Railway, as may be necessary for the use and purposes of the said Railway, as also so much of the land covered with the waters of any river, stream, lake or canal, or their respective beds, as may be found necessary for the making and completing, or working or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes, engines and all such other works and buildings as to the said Company shall seem meet for the purposes of the said Railway: Provided always that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried, and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; and by any such regulations the Governor in Council may impose penalties not exceeding Ten Pounds for any contravention thereof; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or any other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Company may take wild lands, &c., with the consent of the Governor in Council.

Proviso: navigation of Rivers, &c, not to be impeded.

Draw-bridge over channel subject to regulations of Governor in Council, &c.

XVI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council as is provided by the Railway Clauses Consolidation Act; Provided always, that in no case shall the amount charged for tolls and charges, exceed for first class passengers Two Pence currency per mile, and for second class passengers One Penny Half-penny currency per mile, and for third class passengers One Penny currency per mile.

Tolls and charges to be fixed by Directors, subject to approval, &c.

Proviso: Limitation of rates.

In case of refusal to pay toll or freight, how payment thereof may be secured and enforced.

XVII. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods will be at the risk of the owner as provided in the said Railway Clauses Consolidation Act, and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by Public Auction, and to hand over to the owner the produce of such sale, if he shall claim the same, after the deduction of the said tolls and freight and of the expenses incident to such sale, and no interest shall accrue on the amount so payable to the owner of such goods during the time it may be in the possession of the Company, if the owner shall neglect to claim or refuse to receive it.

Company may form a junction with any other Railway in the route of theirs.

XVIII. And be it enacted, That it shall and may be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway, with the consent of the Directors of any such Railway, at any point on its route and upon the lands of any other Railroad or Railway, and make the necessary works and conveniences for the purposes of such connection, and the said Company may agree and unite with any other Company in forming such connection or intersection, and in granting the facilities therefor, and in case of refusal or of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings or connection, the same shall be settled and determined by Arbitrators, to be appointed by two of the Judges of either of the Superior Courts of Common Law in Upper Canada.

Company may enter into certain agreements with other Companies.

XIX. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province, or in any Foreign State, for leasing the said Railway or any part thereof, or for the use and working thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company, any locomotives, cars or carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof, of any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders or other moveable property, or for using any part or the whole of the said Railway or moveable property of the said Company, or of the Railway or moveable property, or either,

of

of such other Company in common by the two Companies, or generally to make any agreement or agreements with any other Company or Companies touching the use, or leasing or working, by any one or more of them, of the Railway or Railways and moveable property belonging to such Company or Companies, or any part thereof, and touching services to be rendered by any one or more and compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof, and any locomotive, car, carriage, tender or machine or contrivance connected therewith, from any Foreign Railroad Company, brought into this Province in pursuance of any such agreement, but remaining the property of a Foreign Company and intended to pass regularly between this Province and a Foreign State, shall for all purposes of the laws relative to Customs be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

Such agreement to be binding.

Foreign cars, &c., how dealt with in respect of Customs.

XX. And be it enacted, That it shall be lawful for the said *The Perth and Kemptville Railway Company*, at any time hereafter, to form such union, junction or amalgamation with any other Railway Company, and upon such terms and conditions as may be agreed upon at a General Meeting of the Shareholders of the said Company specially convoked for that purpose, and it shall be lawful for any other Company to enter into such union, junction or amalgamation, if agreed to or authorized by a General Meeting of the Shareholders of such other Company, and after such union, junction or amalgamation being made, the Companies so united shall form one and the same Company under the name and style which shall be agreed upon, and shall be a Body Corporate and Politic, in fact, by and under the name and style that shall be so agreed upon, and retain all their corporate powers and functions.

Union with other Companies.

Effect of such union.

XXI. And be it enacted, That all provisions of law inconsistent with this Act, are and shall be repealed, in so far as relates to this Act, from the passing thereof.

Contrary laws repealed.

XXII. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

Public Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents that I, A. B., of (here insert the name of the wife, if any,) in consideration of, (name the sum) paid to me by *The Perth and Kemptville Railway Company*, the receipt whereof is hereby acknowledged, do hereby grant unto *The Perth and Kemptville Railway Company* and

and their assigns for ever, all that certain piece of ground situate (*describe the land.*) the same having been set out and selected by the said Company for the purposes of their Railway.

Witness Hand and Seal, this day of
one thousand eight hundred and

Signed, sealed and delivered

in presence of

(*And if the wife join*)

A. B. [L. s.]

C. D. [L. s.]

C A P. C C X L I.

An Act further to amend the Act incorporating *The Peterborough and Port Hope Railway Company.*

[*Assented to 14th June, 1853.*]

Preamble.

WHEREAS *The Peterborough and Port Hope Railway Company* have by their Petition to the Legislature, prayed that certain amendments be made to the Act incorporating the said Company, and it is expedient to grant the prayer of their Petition; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of *The Peterborough and Port Hope Railway Company*, incorporated by the Act passed by the Legislative Council and Legislative Assembly of this Province, in the ninth year of Her Majesty's Reign, but sanctioned by Her Majesty in Council in the tenth year of Her Reign, and intituled, *An Act to incorporate the Peterborough and Port Hope Railway Company*, shall be any sum not exceeding Two Hundred and Fifty Thousand Pounds currency.

Capital of the Company incorporated by 10 V. c. 109, increased.

Company may make a certain Branch Line: to which all their present powers shall extend.

II. And be it enacted, That the said Company shall have full power and authority to construct a Branch Railway from some point on the main line of their Railway through the Townships of Cavan, Emily, Manvers, Ops and Mariposa, or any of them, to some point at or near the Western limit of the said Township of Mariposa, and from thence to some convenient point on the line of the Ontario, Simcoe, and Huron Union Railroad; and to such Branch line all the provisions of the said Act incorporating the said Company, as amended by any subsequent Act or by this Act, and all the powers vested in the Company by the said Act so amended, shall extend as fully and effectually as to the main line of the said Railway.

III.

III. And be it enacted, That the eighteenth Section of the said Act incorporating the said Company, shall be and is hereby repealed; and that the following Clauses of "The Railway Clauses Consolidation Act," that is to say:—Section thirteen, respecting "FENCES,"—the sub-Sections marked respectively, *Firstly* and *Secondly*, of Section fourteen, respecting "TOLLS,"—the sub-Sections marked respectively, *Thirdly*, *Fourthly*, *Seventhly*, *Eleventhly*, *Twelfthly*, *Thirteenthly*, *Fourteenthly*, *Fifteenthly*, *Sixteenthly*, *Seventeenthly*, *Eighthteenthly*, *Nineteenthly*, *Twentiethly*, *Twenty-firstly*, *Twenty-secondly* and *Twenty-thirdly*, of Section sixteen, respecting "DIRECTORS—THEIR ELECTION AND DUTIES," Section twenty, respecting "ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES, AND THEIR PROSECUTION,"—the sub-Sections marked respectively, *Sixthly*, *Seventhly* and *Eighthly* of Section twenty-one, respecting "WORKING OF THE RAILWAY,"—and the sub-Sections marked respectively, *Firstly*, *Eighthly* and *Ninthly*, of Section twenty-two respecting, "GENERAL PROVISIONS," shall be and they are hereby incorporated with and shall be held to make part of the said Act incorporating the *Peterborough and Port Hope Railway Company*.

Certain sects. of 14 & 15 V. c. 51, incorporated with the Act incorporating the said Company.

IV. And be it enacted, That it shall and may be lawful for the Directors at any time upon giving thirty days notice in any newspaper published in the neighbourhood of the said Railway to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Stock of said Company, and in such proportions as the Directors may see fit, so as no such instalment shall exceed ten per cent; any thing in the twenty-seventh Section of the original Act of incorporation to the contrary notwithstanding: Provided always, that no subscriber to the Stock Book under the original Act incorporating the said Company cited in the first section of this Act, shall be held to be a Stockholder, or be responsible as such under the Act passed during the present Session amending the same, if such original subscriber shall within one month from the passing of this Act, signify in writing to the President of the Company his intention of withdrawing therefrom.

Directors may call in instalments on Stock.

Proviso.

V. And be it declared and enacted, That the said Company have and shall have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed, and any Bill of Exchange drawn, accepted or endorsed by the President of the Company with the counter signature of the Secretary of the Company or any two of the Directors of the Company, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter signature of the Secretary, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be,

Company may be parties to Promissory Notes, &c.

for

Seal not required.

for the Company, until the contrary be shewn ; and in no case is it or shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing or assisting to make, draw or endorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever ; Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or in any way to act as Bankers or carry on the business of Banking, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Proviso.

Quorum.

VI. And be it enacted, That a majority of the Directors of the Company shall form a *quorum* for the transaction of business ; Provided that the said Directors may employ one of the said Directors as paid Director.

Paid Director.

Aliens may vote, &c.

VII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Additional land may be taken for depot at Rice Lake.

VIII. And be it enacted, That the said Company shall have full power and authority to take, without the consent of the owner, but subject to the provisions in this respect of the Railway Clauses Consolidation Act, such quantity and extent of land for depots, stations and other works and purposes of their said Railway, and of any branch thereof, as they may find requisite for the same, not exceeding ten acres for each such depot or station, and such quantity not exceeding ten acres as they may find requisite for any depot, station or other works which they may construct at Rice Lake.

Directors may enter into arrangements for union of the Company with another.

IX. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose,) to enter into and make any arrangement with the Directors of any Railway Company, now or hereafter to be chartered in any part of the Province, for the union, junction and amalgamation of the said Company with any other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company ; and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their Union, and be controlled and managed as such independently of all other increase of Stock authorized by this Act.

May make arrangements

X. And be it enacted, That it shall be lawful for the Directors of the said Company to make and carry into effect any arrangements

arrangements which they shall deem meet with any other Railway Company or Steamboat Company, respecting the carriage of freight or passengers, or the working of their Railway and other such Railway or otherwise, or respecting the tolls to be charged for the carriage of freight or passengers thereon.

with Railway or Steamboat Company.

XI. And be it enacted, That upon any branch line or feeder, the Railway may be constructed in a less expensive manner than upon the main line of Railway, and that the flat rail may be used thereon, any thing in the Railway Clauses Consolidation Act to the contrary notwithstanding.

Flat Rail may be used on branch lines.

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

CAP. CCXLII.

An Act to amend and extend the Act to incorporate
The Cobourg and Peterborough Railway Company.

[Assented to 14th June, 1853.]

WHEREAS the President and Directors of the Cobourg and Peterborough Railway Company have, by their Petition, prayed that the Act passed by the Legislature of the Province of Canada, during the present Session of Parliament, intituled, *An Act to incorporate the Cobourg and Peterborough Railway Company*, may be amended, so as to extend and empower the said Company to construct and build branches or feeders from the Trunk Line of Railway being built by them, at the following places along the said line of Road, namely, in the Township of Hamilton, from such point of intersection as the Directors of the said Company may select or approve, to the Village or Macdougall's Mills, in Baltimore, and along the stream to Lapp's Mills,—in the Township of Otonabee, from such point as the Directors of the said Company for the time being may select or approve, to the Villages of Keene and Allandale, in the said Township, or to either of the said Villages, thence along the valley of the Indian River against the stream, to Warsaw in the Township of Dummer;—and from such point in the Town of Peterborough, as the Directors for the time being may select or approve, over and upon the Country upon and near the South and West bank of the Otonabee River against the stream, to the various Mills in the County of Peterborough; And whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall

Preamble.

16 V. c. 40.

Branches which the Company are empowered to make.

shall

Company may make the branches mentioned in the Preamble.

Their powers.

Original Act to apply to branches.

shall and may be lawful for the said Cobourg and Peterborough Railway Company, and they are hereby authorized to build, lay down and construct the said several branch lines of Railway or Tram Roads mentioned in the Preamble to this Act, from the Main Line of Railway of the said Company, to the said several points in the said Townships respectively, as they may deem expedient; and the said Company are hereby authorized, given and granted the same rights, privileges and powers to enter into, survey and procure title to the lands required for the purposes of the said Company as regards such extensions, as are provided for in and by the original charter of the said Company, in relation to the entering upon, surveying and procuring title to lands generally for the purposes of the said Company.

Directors may make arrangements with other Companies for mutual accommodation.

II. And be it enacted, That it shall be lawful for the Directors of the said Company to make and carry into effect any arrangements which they shall deem meet with any other Railway Company or Steamboat Company, respecting the carriage of freight or passengers, or the working of their Railway and other such Railway or otherwise, or respecting the tolls to be charged for the carriage of freight or passengers thereon.

Branch lines may be of a cheaper construction than the Main Line.

III. And be it enacted, That upon the said branch lines or feeders, the Railway may be constructed in a less expensive manner than upon the main line of Railway, and that the flat rail may be used thereon, any thing in the Railway Clauses Consolidation Act to the contrary notwithstanding.

Aliens may be Directors, &c.

IV. And be it enacted, That any Shareholder in the said Company, whether a British Subject, or alien, or resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote in the same and be eligible to office in the said Company.

Debentures may be made convertible into Stock, &c.

V. And be it enacted, That the said Company are hereby authorized to make any Bonds or Debentures to be issued by the said Company for the construction of new works, a preferable charge on the said railway, and convertible into stock at the option of the holder, and by such Bonds or Debentures to mortgage and pledge the lands, tolls and revenues of the said Company, and all other property real or personal belonging to the same: Provided always that any Bonds or Debentures so issued, preferable or convertible or both, shall on the face of such instruments shew that the same are so preferable or convertible as aforesaid, under and by virtue of this Act; and that all such preferable Bonds or Debentures issued as aforesaid, shall be a first charge and mortgage on the said railway and the tolls and revenues of the same, and all other property real and personal of the said Company as aforesaid; the said Bonds

Proviso.

Preferable Bonds to be a first charge on Railway, &c.

or Debentures to be in such form as the Directors of the Company may appoint, and each and every Bond or Debenture shall be registered in the Registry office of the County of Northumberland in a Book to be provided by the said Company for that purpose, on the payment of a fee of Two Shillings and Six Pence.

VI. And be it enacted, That this Act be a Public Act.

Public Act.

C A P . C C X L I I I .

An Act to authorize the Montreal and New York Railroad Company to extend their connections, and grant facilities for the same.

[Assented to 14th June, 1853.]

WHEREAS the Company of Proprietors of the Montreal and New York Railroad have, by their Petition, represented that, for the purpose of promoting the usefulness of the said enterprize, and of extending the benefits to result therefrom, it is desirable that the said Company should be authorized to subscribe for or purchase, take and hold shares in the Stock of any other Railroad or Steamboat Company whether within or without this Province, and the same at any time to sell or otherwise alienate: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in any Act or Law to the contrary, it shall be lawful for the said Company, in pursuance of any Resolution to that effect adopted at a Special General Meeting of the Stockholders duly convened for that purpose, to subscribe for, purchase, take and hold shares in the stock of any other Railroad or Steamboat Company, either in this Province or in the United States, or in any Company for building a bridge across the River St. Lawrence, and to pay for the same out of any moneys belonging to the said Company, and at any time to sell or otherwise alienate such shares and apply the proceeds of sale or alienation to the purposes of the said Company.

Preamble.

Company
may take
Stock in other
Railway or
Steamboat
Companies,
&c.

CAP. CCXLIV.

An Act to amend the Act incorporating the Ontario, Simcoe and Huron Railroad Union Company.

[Assented to 14th June, 1853.]

Preamble.

Period for making survey, &c., extended, and doubts touching the expiration of the said period removed.

WHEREAS the Ontario, Simcoe and Huron Railroad Union Company have represented by their Petition that it is necessary that the time for making and depositing their plans and surveys should be enlarged, and that doubts exist as to the authority of the Company to touch at any point on Lake Huron other than their terminus, and that it is desirable to do so, to enable the Company to extend the advantages of the road to other shipping ports on that lake, and that it is necessary to increase their capital, and otherwise amend their Act of incorporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the time fixed in and by the original Act of incorporation of the said Company for the making the survey and the making and depositing of the plans, map and book of reference therein referred to, shall be and is hereby enlarged and extended to the period of seven years from the time of the passing of the said Act, and that the said Company shall be held to have had up to the time of the passing of this Act, and shall henceforth have, all the powers, authorities and privileges given to and conferred upon the said Company by the said Act in the same manner and to all intents and purposes as if such period of seven years had been specified in the said original Act, and the making of the said survey, map and book of reference, and the depositing of the same shall not be a condition precedent to the exercise by the Company of the said powers, authorities and privileges at any time within the said period of seven years.

Company may extend their Road to another point on Lake Huron, and construct a Harbour there.

II. And be it enacted, That it shall be lawful for the said Company to extend the line of their Railway, or to branch from any point or place on the line thereof which has been or may be adopted by the Directors of the said Company, to such point or places lying between the Easterly limit of the Georgian Bay and a point on the East main shore of Lake Huron, not further south than the southerly limit of the township of Saugeen, as the Directors of the said Company may fix, and that the said Company may construct a Depot and Harbor at any or every point at which the said railway may touch on the said Lake or any intervening Bay between the said limits last aforesaid, and also to make and construct one or more station or stations, depot

depot or depots, wharves, warehouses and other buildings and works at any one or more point or points on the shores of the Lakes, Bays and navigable waters at or near to either of the termini of the said line of railway, and that all the provisions of the Acts incorporating and relating to the said Company shall apply to such extended or branch line or lines and to such Stations, Depots and Harbors, and to the acquiring thereof, in like manner, and to all intents and purposes as if the same had been mentioned and included in such Acts.

III. And be it enacted, That the Capital stock of the said Company may be increased to a sum not exceeding in the whole Seven Hundred and Fifty Thousand Pounds as the Directors of the said Company may from time to time direct, and that the said increased capital stock shall be disposed of and held as is by law now provided in respect of the original amount of the capital Stock of the said Company, and that the said Company may borrow from time to time for the purposes of the said railway and works in the way and manner and on the same terms as those enacted by the twenty-second section of the said original Act, the further sum of Three Hundred Thousand Pounds.

Capital of Company may be increased to £750,000 : and borrow £300,000 more.

IV. Provided always, That nothing in this or any other Act contained shall be construed to authorize the guaranteeing on behalf of this Province of the interest on any loan to be raised or debenture to be issued by the said Company under or in virtue of this Act.

Provincial guarantee not to be extended to Company.

C A P . C C X L V .

An Act to incorporate *The Prince Edward Railway Company.*

[Assented to 14th June, 1853.]

WHEREAS it is desirable that a Railway should be made commencing at some suitable point on the line of the Grand Trunk Railway, running through the County of Prince Edward and terminating at Long Point, otherwise called Point Traverse, on Lake Ontario, and the persons hereinafter in this Act mentioned have petitioned that a Company be incorporated for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That Philip Low, Cecil Mortimer, Owen Roblin, Thomas Donally, Clark Whittier, Roger B. Conger, John Rose, James T. Lane, John P. Roblin, Henry

Preamble.

Certain persons incorporated.

Henry Dunning, Walter Ross, D. B. Stevenson, Archibald McFarel and Joshua M. Codman, together with such other persons or Corporations as shall under the provisions of this Act become Shareholders in the Joint Stock Company hereby created, for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of *The Prince Edward Railway Company*.

Corporate name.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

II. And be it enacted, That 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," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained.

Line of Railway to be made by Company.

III. And be it enacted, That the said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish a double or single Iron Railroad or way, at their own costs and charges, on or over all or any of the following Sections, that is to say : on or over any part of the Country from the Shore of Lake Ontario at Point Traverse, to the Town of Picton, and thence to the Carrying Place, and thence to intersect the Grand Trunk Railway at some place at or between the mouth of the River Trent and the Village of Brighton; also branches from the main line to any place within the County of Prince Edward, which the said Company shall deem it advisable to construct.

Branches.

Form of Deeds to Company.

Registration thereof.

IV. And be it enacted, That all deeds and conveyances of land to the said Company for the purposes of this Act shall and may, as far as the title and circumstances will admit, be in the form given in the Schedule to this Act, or to that effect ; and for the purpose of registering the same, all Registrars in their respective Counties are hereby required to be furnished by and at the expense of the said Company with a book with copies of the form given in the said Schedule, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said book to enter and register each such deed and conveyance, upon production thereof and payment of the fee hereinafter mentioned, and proof of execution in like manner as is now made under the general Registry Laws in force in Upper Canada, without any memorial ; and the Registrar shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of

of a certificate of registry under the general Registry Laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada, for the registry of deeds, in like manner as if made according to the provisions of the same; and for such Fee. entry, registry and minute thereof as aforesaid, the said Registrar shall be entitled to demand and receive from the said Company, the sum of Two Shillings and Six Pence, and no more.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Three Hundred and Fifty Thousand Pounds currency, to be divided into thirty-five thousand shares of Ten Pounds each, which amount shall be raised by the persons above named or some of them, together with such other persons or Corporations as may become Shareholders in such stock; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall and may be lawful for any Municipality interested in the said Railway to pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the stock of the said Company, or be allowed to them in payment of stock.

VI. And be it enacted, That Philip Low, Cecil Mortimer, Owen Roblin, Thomas Donally, Clark Whittier, Roger B. Conger, John Rose, James T. Lanc, John P. Roblin, Henry Dunning, Walter Ross, D. B. Stevenson, Archibald McFarel and Joshua M. Codman, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books, and make a call on the shares subscribed in such Books, and call a meeting of Shareholders for the election of Directors in manner hereinafter provided.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary measures for opening the Stock Books for the subscription of parties desirous to become Shareholders in the said Company.

VIII. And be it enacted, That when and so soon as one fifth of the Capital Stock shall have been subscribed, as aforesaid, it

it shall and may be lawful for the said Directors or a majority of them to call a meeting of the holders of such shares at the Town of Picton, giving at least fifteen days' public notice of the same in all the newspapers published in the County, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the Shareholders present either in person or proxy, shall elect twelve Directors in the manner and qualified as hereinafter provided, which said twelve Directors shall constitute a Board of Directors, and hold office until the first Monday in February in the year following their appointment; Provided that if any Municipality shall have taken Stock in the said Company, then the Heads of Municipalities subscribing for Stock may vote on such Stock, or in their absence such persons as may be duly authorized under the Seal of the Municipality for the purpose, and such Municipality so voting, shall vote according to the scale of votes hereafter mentioned, and in the same manner as individual Shareholders.

Election of Directors.

Proviso: as to Municipalities holding Stock.

Annual General Meetings.

Election of Directors.

Ballot.

Ties.

Board of Directors.

Quorum.

Paid Directors.

Qualification of Directors.

One vote for each Share.

IX. And be it enacted, That on the said first Monday in February, and on the first Monday in February in each year thereafter, at the Office of the said Company, in the Town of Picton, there shall be holden an Annual General Meeting of the Shareholders of the said Company, at which and by whom shall be chosen and elected by the private Shareholders and by the Representatives of Municipalities if any such be Shareholders, twelve Directors, for the ensuing year, in manner and qualified as hereafter provided; and public notice of such Annual General Meeting and election shall be published one month before the day of election in all the newspapers in the County, and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and that the said twelve Directors shall, together with the *ex officio* Directors under the "Railway Clauses Consolidation Act" form the Board of Directors.

X. And be it enacted, That seven Directors shall form a *quorum* for the transaction of business: Provided that the Directors may employ one or more of their number as paid Director or Directors.

XI. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of One Hundred Pounds, and who shall have paid up all calls on such Stock.

XII. And be it enacted, That 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 name two weeks prior

to the time of voting ; Provided that no one Shareholder as aforesaid, shall have more than five hundred votes, and that Municipalities shall have one hundred votes for every Five Thousand Pounds they subscribe. Proviso.

XIII. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments, upon each share by them holden respectively in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent. on the Stock held by each Shareholder, giving at least thirty days' notice of each call in such manner as they shall appoint. Instalments
how called in.

XIV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed or any such Bill of Exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the said Company : And every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company until the contrary be shewn ; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the said Company so making, drawing, accepting or endorsing any such Bill of Exchange or Promissory Note, be thereby subjected individually to any liability whatever : Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank. Company
may be parties to Notes
and Bills, and
how.

Seal not requisite.

Proviso.

XV. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, to vote on the same and to be eligible to office in the said Company. Aliens may
vote, &c.

XVI. And be it enacted, That the simple execution of any conveyance under this Act, by any married woman, with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein, if the same be owned by her, without any other ceremony or formality whatever. As to barring
Dower, &c.
by married
women.

Public Act.

XVII. And be it enacted, That this Act shall be a Public Act.

SCHEDULE.

FORM OF CONVEYANCE.

Know all men by these presents that I, A. B., of
(*here name the wife, if any,*) in consideration of (*name the sum,*) paid to me by the "Prince Edward Railway Company," the receipt whereof is hereby acknowledged, do hereby grant unto the "Prince Edward Railway Company" and their assigns for ever, all that certain piece of land situate, (*describe the land,*) the same having been selected and laid out by the said Company for the purpose of their Railway.

Witness hand and seal, this day of
A. D. one thousand eight hundred

Signed, sealed and delivered in presence of

A. B.

[L. s.]

CAP. CCXLVI.

An Act to amend the Act incorporating *The Industry Village and Rawdon Railroad Company.*

[Assented to 14th June, 1853.]

Preamble.

13 & 14 V.
c. 115.

WHEREAS it is expedient to amend and extend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to incorporate a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That in the borrowing of moneys by way of loan, and in creating mortgages or hypothèques for securing the same, the Debentures of the said Company shall and may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries; and the registration at full length of a Debenture, (without the interest coupons thereto attached) in the said form in the Registry Office for the County of Leinster, shall perfect the mortgage and hypothèque created by such Debenture as regards all parties whomsoever, and the Debenture and Mortgage

Debentures issued by the Company may be in the form hereunto annexed.

Registration.

Mortgage and Hypothèque thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the Debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description, but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed; any law or usage to the contrary notwithstanding: Hypothecation of Road. Provided always, that no Debenture of the said Company shall be for a less sum than One Hundred Pounds currency. Proviso.

II. And be it enacted, That if after the registration in the said County Registry Office of a Debenture of the said Company creating a mortgage or hypothèque, such Debenture shall be presented at the said Registry Office with the word *cancelled*, and the signature of the President, or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the fee of One Shilling therefor, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office. Radiation of cancelled Debentures. Fee. Radiation.

III. And be it enacted, That all Debentures bearing mortgage by this Act authorized to be issued, shall, notwithstanding the issue and registration thereof at different periods, all rank concurrently and by equal privilege on the Real Estate of the said Company, as much to all intents and purposes whatsoever, as if all such Bonds and Mortgages were issued and registered at the same time, the registration thereof being only requisite in so far as the rights of the holders thereof against third parties are concerned, it being the true intent and meaning of this Act that each and every holder of a Debenture, to be issued under its authority, shall rank and have equal precedence the one with the other on the Real Estate of the said Company, irrespective of the time when any such Debentures may have been issued or registered. Ranking of Hypothecs under Debentures. All to have equal privileges.

IV. And to enable the said Company to carry into effect the provisions of this Act, Be it enacted, That it shall be competent for the Directors thereof, to pass such resolutions not inconsistent with this Act, either with respect to depositing Debentures for the purpose of being disposed of to redeem the other Debentures in this Act mentioned already issued, or of being exchanged therefor, and with regard to cancelling the whole or Proviso for the exchange of Debentures heretofore issued for others. any

any part thereof, and in order to render the notices to be given by any parties conclusive on them, and in respect of the Bonds for which such notice may be given, and touching all other matters and things whereby the true intent and meaning of this Act may be the better carried into effect.

Registration
of Debentures
facilitated.

V. And to facilitate the registration of the Debentures of the said Company creating mortgages or hypothèques and the cancellation thereof, Be it enacted, That the said Company, shall, at their own expense, deposit in the Registry Office of the County of Leinster, wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the *coupons* thereto, bound together in a book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Register or his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office; any ordinance or law to the contrary notwithstanding: and for each such registration the said Registrar shall receive One Shilling and Three Pence *fec.*

Fec.

Company
may become
parties to
Notes and
Bills, and
how.

VI. And be it enacted, That the said Company have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed and any Bill of Exchange drawn, accepted or endorsed by the President of the Company or any two of the Directors for the Company, with the counter-signature of the Secretary of the Company, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter-signature of the Secretary shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing, or assisting to make, draw, accept, or endorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Seal not re-
quisite.

Proviso.

VII. And be it enacted, That for and notwithstanding any thing in any Act or Law to the contrary, it shall be lawful for the said Company, in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened for that purpose, to subscribe for, purchase and hold shares in the stock of any other Railroad or Steamboat Company in this Province, and to pay for the same, and to pay all Calls or Instalments on the same, out of any money belonging to the said Company.

Company may hold stock in other Companies of certain kinds.

VIII. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Railroad or any part of the same may pass, and to fell and remove any trees standing in any woods, lands or forests, to the distance of four rods from either side of the said Railroad, doing as little damage as may be, and making satisfaction to the owner or proprietor of, or person interested in such land, for all that he may suffer by reason of such entry or felling, or removal as aforesaid, in the manner provided by the Act cited in the Preamble to this Act.

Removing trees standing near the Railway.

IX. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railroad with the Railroad or Railway of any other Company, with their consent, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators to be appointed as follows, that is to say: one by each Company, and a third, or umpire, by the other two before proceeding to business; and in the event of either Company refusing or neglecting to appoint an Arbitrator within twenty days after having been called upon so to do by the other, by notice in writing duly served on the President or Secretary thereof, or if the two Arbitrators cannot agree as to the appointment of a third or umpire, an Arbitrator on behalf of the Company so refusing or neglecting, or a third, or umpire as the case may require, shall be appointed by a Judge of the Superior Court in Lower Canada.

Crossing or intersecting other Railways.

Arbitration in case of disagreement.

X. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company in this Province for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring

Agreeing with other Railway Companies as to services to be performed by the one for the other.

hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railroad or of the moveable property of the said Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

Vice-President to act for President in certain cases.

XI. And be it enacted, That in case of the absence or illness of the President of the Company, the Vice-President shall have all the rights and powers of the President, and shall be competent to sign all notes, bills, debentures and other instruments, and to perform all acts which by the Regulations and By-laws of the Company, or by the Acts incorporating and relating to the said Company are required to be signed, performed and done by the President; and the Directors may at any meeting require the Secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof, signed by the Secretary, shall be delivered to any person or persons requiring the same, on payment to the Treasurer of Five Shillings, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned in all proceedings for or against the said Company in Courts of Justice, or otherwise.

Certificate of absence of President.

Enforcing payment of freight and tolls, by sale of goods on which they are due, or by suit.

XII. And be it enacted, That if any person fail to pay the tolls or freight in respect of any carriage or goods conveyed on the said Railroad, it shall be lawful for the Company to detain such goods and carriage, for payment of such tolls or freight; and if the same shall not be paid within six weeks, the Company shall thereafter have power to sell such carriage or the whole or any part of such goods, and out of the money arising from such sale to retain the tolls and freight payable as aforesaid, and all charges and expenses of such detention and sale; rendering the surplus, if any, of the money arising from such sale or of such of the carriages or goods that may remain unsold, to the person entitled thereto; or it shall be lawful for the Company to recover any such tolls or freight by action at law; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell

sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls or freight, and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto, and in default of such balance not being claimed before the expiration of the period last aforesaid, such balance shall be paid over to the Receiver General, to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto.

Selling un-claimed goods.

XIII. And be it enacted, That no person shall be entitled to carry or to require the Company to carry upon the said Railway any *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the Company, may be of a dangerous nature; and if any person send by the said Railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the Book-keeper or other servant of the Company with whom the same are left at the time of so sending the said goods, he shall forfeit to the Company the sum of Five Pounds currency, for every such offence; and it shall be lawful for the Company to refuse to take any package or parcel that they may suspect to contain goods of a dangerous nature, or to require the same to be opened to ascertain the fact.

Company not bound to carry certain articles.

Penalty for sending them unknown to the Company, &c.

XIV. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said Writ, to make the declaration in such case by law required, according to the exigency of each case; which said declaration or the declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in causes where interrogatories *sur faits et articles* or *serment décisoire* may have been or may hereafter be served upon the Company, the Directors shall have the power, by a vote or resolution entered among the minutes of the proceedings of any meeting to authorize the President or Treasurer to appear in any cause to answer such interrogatories; and the answers of the President or Treasurer so authorized, shall be held and taken to be the answers of the Company to all intents and purposes as if all the formalities by law required had been complied with; and the production of a copy of such resolution certified by the Secretary with the said answers, shall be sufficient evidence of such authorization.

As to returns or answers under Writs of *Saisie-Arrêts*; &c.

XV. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

SCHEDULE A

Referred to in this Act.

THE INDUSTRY VILLAGE AND RAWDON RAILROAD COMPANY,
MORTGAGE LOAN.

Number £ Sterling (or Currency.)

This Debenture witnesseth that the Industry Village and Rawdon Railroad Company, under the authority of the Provincial Statute passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to incorporate a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada*, and of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act incorporating the Industry Village and Rawdon Railroad Company*, and the several Acts incorporating and having reference to the said Company, have received from

of the sum of

currency, (or sterling) as a Loan, to bear interest from the date hereof, at the rate of per centum per annum, payable half yearly, on the day of and on the day of , which sum of currency (or sterling) the said Company bind and oblige themselves to pay on the to the said , or to the bearer hereof; and to pay the interest thereon half yearly as aforesaid, on the production of the *coupon* therefor, which now forms part of this Debenture.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute and Acts, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: *The whole of the Railroad from the Township of Rawdon to the Village of Industry, including all the Lands at the two Termini of the said Road, and all the Lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging.*

In testimony whereof , President of the said Company, hath hereto set and affixed his signature, and the Common Seal of the said Company, at the this day of one thousand eight hundred and

A. B.
President.

Countersigned and entered
C. D.
Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of _____ in the District of _____ on the _____ day of _____ one thousand eight hundred and _____ at _____ of the clock in the _____ noon, in Register _____ page

E. F.
Registrar.

C A P. C C X L V I I .

An Act to incorporate certain persons under the name of
The Quebec and Trois-Pistoles Navigation Company.

[Assented to 14th June, 1853.]

WHEREAS William Price, C. H. Tétu, Henry John Noad, James Gibb, Gibb and Ross, L. Renaud and Brothers, Julien Chouinard, L. and C. Tétu, Archibald Campbell, François Defoy and F. X. Paradis have, by their humble petition in this behalf, represented that an Association hath been formed in the city of Quebec, in which they, with certain others, have become subscribers and shareholders, with the view of promoting the interests of the public by procuring for the inhabitants of the districts of Quebec and Kamouraska the advantages of Steam Navigation, and enabling them to profit by the benefits to be derived from the wharves and landing places now in progress of construction on the shores of the Saint Lawrence below Quebec, by the population of that part of the Province, for the use of the trade and the advantage of persons travelling between the Port of Quebec and the lower Ports of the Saint Lawrence and other places; that the capital stock of the said Association is limited to the sum of Thirty Thousand Pounds currency, divided into six hundred shares, of Fifty Pounds each; that ninety shares have been subscribed, upon which a sum of money has been paid in and is held by the said Association, and have prayed that for the better effecting the purposes of the said Association, they and their successors be incorporated; And whereas the said Association have commenced building a Steam Vessel for the said purposes; And whereas divers debts are now due to them by divers parties for the amount of their shares in the said Association and by divers parties who have contracted with them, and that the recovery of such debts by suits at law is attended with serious inconvenience; And whereas divers individual members of the said Association are exposed to suits at law on account of the business of the Company, and other difficulties and embarrassments have occurred in the management of the affairs thereof; And whereas the said Company tends to facilitate and promote the inland navigation of the Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted

Incorporation
of certain
persons.

Corporate
name and
general pow-
ers.

May make
By-laws.

Proviso.

May hold
Steam Ves-
sels, &c.

Other pro-
perty.

Proviso: Cor-
poration to be
substituted for
the former
Association.

constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That William Price, Charles Hilaire Tétu, Henry John Noad, James Gibb, Gibb and Ross, L. Renaud and Brothers, Julien Chouinard, L. and C. Tétu, Archibald Campbell, François Defoy and François Xavier Paradis, and all other persons who are now or may hereafter become subscribers and shareholders in the said Association, 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 whatsoever, may hold any part, share or interest of and in the capital stock of the same, their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and they are hereby ordained, constituted and declared to be a Body Politic and Corporate, by the name and style of "The Quebec and Trois-Pistoles Navigation Company," and shall, by that name, have perpetual succession and a Common Seal; and may make, establish and put into execution, alter or repeal such By-laws, Rules, Ordinances and Regulations, as shall not be contrary to the laws of this Province or to the Constitution thereof, or to the provisions of this Act, and as may appear to them necessary or expedient for the management of the business of the said Company: Provided always, that no By-law, Ordinance, Rule or Regulation, shall be in force until the same shall have been approved of at a General Meeting of the shareholders; and by the same name of "The Quebec and Trois-Pistoles Navigation Company," they shall hold the Steam Vessel now in progress of construction, and such others as they shall construct, and all and singular the goods and chattels, debts and credits, which, at the time of the commencement of this Act, belonged and appertained to the said Association; and the said Steam Vessels, goods, chattels, debts and credits are hereby vested in the said Navigation Company, and by the same name of "The Quebec and Trois-Pistoles Navigation Company," they and their successors and assigns shall be in law capable of holding any personal estate, goods, chattels or effects, and also any real estate not exceeding in value Five Thousand Pounds current money of this Province, which shall form part of the said capital of the Company, at any one time, for the use of the Company, and of letting to hire, leasing, selling, conveying or otherwise disposing thereof for the benefit and on account of the said Company, from time to time, as they shall deem necessary, and upon the sale of such real property to invest the proceeds thereof in other real property; Provided always, that they, the said William Price, Charles Hilaire Tétu, Henry John Noad, James Gibb, Gibb and Ross, L. Renaud and Brothers, Julien Chouinard, L. and C. Tétu, Archibald Campbell, François Defoy and F. X. Paradis, and all other persons

persons who are now or may hereafter become subscribers and shareholders in the said Association, their several and respective heirs, executors, curators, administrators, successors and assigns, shall pay and satisfy all claims, debts, dues and demands, which shall, at the commencement of this Act, lawfully and of right be and remain against the said Association, and which but for the passing of this Act might have been proved against the said Association, and shall and may sue for and collect all debts, subscriptions or causes of action belonging or due to the said Company before this Act shall come into effect.

II. And be it enacted, That the superintendence, control and management of the affairs of the said Company shall be vested in seven Directors, four of whom shall be a quorum, which said Directors shall be shareholders in the Company, and shall be elected on the second Monday of January in each and every year, at such time of the day and at such place as a majority of the Directors for the time being shall appoint; and notice shall be given by the said Directors in some one or more newspapers published in the city of Quebec of such time and place, at least ten days previous to the said election; and such election shall be had and made by such of the Shareholders of the said Company as shall attend for that purpose in their own proper person or by proxy; and all elections of Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors until the next ensuing annual election, or the appointment of their successors as hereinafter provided for; and at the first meeting of such Directors after their election, they shall choose out of their number a President who shall hold his office during the period for which the said Directors have been elected, and until the appointment of his successor; and it shall be the duty of the said President to preside at all meetings of the shareholders or Directors, and in case of an equality of votes, to give a double or casting vote; and it shall be lawful for the said Directors, from time to time, in case of the death, resignation or absence from the Province for six months consecutively, of the person so chosen to be President, to choose from among them, the said Directors, another person to be President in his stead, and in the event of any temporary absence of the said President, whether occasioned by sickness or otherwise, the remaining Directors may, by a vote duly recorded in the register of their proceedings, when assembled for the transaction of business, appoint one of themselves to supply the place of such President; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation or absence from the Province, the same shall be filled for the remainder of the year by such person or persons as the remaining Directors or a majority of them may appoint, and it shall be lawful for the said shareholders, at any meeting specially called for that purpose, to remove all or any of the said

Directors;
their election
and duties.

Ballot.

Election of
President.

Filling up
vacancies in
office of Pre-
sident;

And among
the Directors.

Removing
Directors.

said

said Directors or the said President, and to appoint others in their or his stead in the same manner as the annual election of Directors is hereby provided for.

Proportion of
votes to
Shares.

III. And be it enacted, That each shareholder shall be entitled to a number of votes proportionate to the number of shares which he shall have held in his name at least one month previous to the time of voting, being one vote for each share; and all questions brought before the shareholders at any General or Special Meeting, shall be decided by a majority of such votes, subject, in case of an equality of votes, to the casting or double vote of the President.

Casting vote.

Meetings of
Shareholders,
how called,
&c.

IV. And be it enacted, That the President, or any two or more Directors, may, at any time and from time to time, call a Meeting or Meetings of the shareholders, either for general or special purposes; and that any twelve shareholders may, from time to 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 Quebec, or by sending a written or printed notice to each shareholder, by post or otherwise; and every advertisement or notice calling a Special Meeting shall specify distinctly the purpose or purposes for which such Meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such Meeting.

Failure to
elect Direc-
tors not to
dissolve Cor-
poration.

V. And be it enacted, That if at any time it happen that an election of Directors shall not be made when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election, in the same manner as the annual election of Directors is herein provided for.

Directors to
make yearly
dividends.

Statements of
accounts of
Company.

VI. And be it enacted, That 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 that once in each year an exact and particular statement shall be 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 at his or her reasonable request; and a copy thereof, certified by the oath of the President and one of the Directors, shall be transmitted annually to the three branches of the Provincial Legislature, which oath any Justice of the Peace is hereby authorized to administer.

Shares trans-
ferable.

Proviso,

VII. And be it enacted, That the shares of the said capital stock shall be transferable, and may, from time to time, be transferred by the respective persons holding and owning the same: Provided always, that such transfer be made in the manner prescribed by the By-laws to be made in that behalf by the said Company.

VIII. And be it enacted, That William Price, C. H. Tétu, Henry John Noad, James Gibb Ross, Julien Chouinard, William Fraser and James Gibb shall be Directors, and the said William Price shall be President of the said Company, until the second Monday of January, one thousand eight hundred and fifty-four, and until the appointment of their successors, as provided for in this Act; and they shall have like powers for the management of the Company's affairs as are hereby given to the President and Directors to be in future annually elected in conformity with this Act.

First Directors and President.

Their powers.

IX. And be it enacted, That for the recovery and enforcement of all claims, debts, dues and demands, which, at the time of the commencement of this Act, or at any time thereafter may exist against the said Association or against the said Company, service of process at the Company's Office, in the city of Quebec, shall be held and deemed to be good and sufficient service in all suits and proceedings at law, commenced or instituted in Lower Canada.

Service of process at Company's Office, good and sufficient.

X. And be it enacted, That this Act shall be and the same is hereby declared to be a Public Act.

Public Act.

C A P . C C X L V I I I .

An Act to incorporate *The Toronto Locomotive Manufacturing Company.*

[Assented to 14th June, 1853.]

WHEREAS George A. Phillpotts, Messrs. Bowes and Hall, Moffatt and Murray, Ezekiel F. Whittemore, Ross Mitchell and Company, and James Browne, all of the City of Toronto, in the United Counties of York, Ontario and Peel, have petitioned the Legislature that an Association under the style and title of *The Toronto Locomotive Manufacturing Company* may be incorporated, to enable and empower the said Association or Company to enter into, carry on and conduct all the necessary business connected with or appertaining or belonging to the manufacture of Locomotive Power and Engines required for Railroads or otherwise, and for all repairs connected with the same, or for furnishing and supplying all furniture that may be required for Railroads or other purposes connected therewith, and with any thing appertaining to Locomotive power; And whereas it is considered that such an Association would be greatly beneficial to the interests of the Province, and tend to develop the powers and capabilities of the same, and retain a large amount of expenditure which must shortly take place within the Province, instead of being expended in a foreign country: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the

Preamble.

the

Certain persons incorporated.

Corporate name and general powers.

Proviso.

Proviso.

Capital and Shares.

Payment at time of subscribing, &c.

Proviso: as to calls on remainder of Stock: and mode of enforcing payment of calls by forfeiture.

the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the persons aforesaid with Casimir S. Gzowski, James Beaty, Thomas Hayes, Thomas D. Harris, and all such other persons as now are or shall become Shareholders of the said Company, shall be and are hereby ordained, constituted and appointed to be a Body Corporate and Politic in Law, fact and in name, by the style and title of *The Toronto Locomotive Manufacturing Company*, and also that they and their successors by and under the said name, style and title, shall be capable in Law of purchasing, holding or conveying in any way whatever, any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter contained; Provided always, that the said Company shall hold no real estate except for the actual use and occupation of the Corporation, save only in the case hereinafter provided for; Provided also, that the said real estate so held for the use of the said Company shall not exceed in value Twenty Thousand Pounds currency, which shall be included in and form part of the amount of the said Capital.

II. And be it enacted, That the Capital Stock of the said Company shall not exceed the amount of One Hundred Thousand Pounds, to be composed of shares of the value of Twenty-five Pounds for each share, and that the number of shares in the said Company shall not exceed the number of four thousand shares.

III. And be it enacted, That it shall be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares as he, she or they may think fit, and two and a-half per cent shall be paid at the time of subscription or within one month thereafter, and the remainder shall be payable as the majority of the Directors hereinafter named shall determine upon: Provided always, that no call shall exceed twenty per cent, and that no instalment shall become payable until after sixty days' notice shall be given by the said Directors in two or more public newspapers published in the City of Toronto; and if any Stockholder or Stockholders shall, after such notice, refuse or neglect to pay to the said Directors such call or instalment due upon such share or shares held by him, her or them, such share or shares shall or may, in the option of the said Directors, or of the Directors for the time being hereinafter provided for, become forfeited, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever, or the same may become vested in and for the benefit of the said Company, as the said Directors may determine.

IV. And be it enacted, That in case the said share or shares shall not be forfeited for or by reason of the non-payment of any of the calls or instalments thereon to be made as aforesaid, that the said Company may sue for the same or any thing due thereon, and that in all actions or suits for the recovery of such calls or arrears, it shall be sufficient for the said Company to declare in an action of Debt in manner following :

Enforcing
payment of
calls by suit.

“ For that whereas the defendant heretofore, to wit, on the
“ day of _____, one thousand eight hundred,
“ and _____ was indebted to ‘The Toronto Locomotive
“ Manufacturing Company’ in the sum of _____ for calls
“ and dues upon certain stock and shares of the said Company
“ held by the defendant before then due and unpaid upon the
“ said stock and shares ; and, being so indebted, then became
“ liable to pay the said amount to the said plaintiffs, whereby
“ an action hath accrued to the said plaintiffs to ask and de-
“ mand the same from the defendant ; yet the defendant,
“ although often requested so to do, hath not paid the same, or
“ any part thereof, to the plaintiffs’ damage of _____ ;
“ Wherefore they bring suit, &c.”

Form of de-
claration.

And, on the trial, it shall only be necessary to prove that the defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

Proof.

V. And be it enacted, That the business of the said Corporation shall be, and they shall have full power and authority, to make, construct and build all and every kind of Engine, Locomotive, and furniture for or connected with any thing that may be required for Railroads, Steamboats, or machinery of any kind, or for the repair or refitting of the same, and every thing connected with and appertaining thereto.

Business of
the Company
defined.

VI. And be it enacted, That it shall and may be lawful for the said Corporation to purchase, acquire and hold any lands, tenements, real or personal estate, necessary for carrying on the business of the said Corporation, or any Debentures or other securities, public or private, which shall come into their hands *bonâ fide* in the course of their business aforesaid, in payment of or for securing the payment of any debt due to them in the course of such business, or any lands or real property which, having been mortgaged or pledged to them for securing debts to them incurred *bonâ fide* in the course of their business aforesaid, may by reason of such pledge or mortgage become their property, or shall be purchased by them at any sale thereof in execution of any order or judgment of a competent Court in their favor, and to sell, exchange and dispose of any property, real or personal, which they may lawfully purchase or acquire under this Section, in such manner as the said Company or the Directors thereof for the time being may deem expedient.

Company
may acquire
and hold cer-
tain property
in the regular
course of their
business.

And may dis-
pose of the
same.

VII.

Not to issue
Bank Notes.

VII. And be it enacted, That nothing in this Act shall authorize the said Company to issue Bank Notes, or in any way to act as Bankers.

Register of
Shareholders
to be kept.

VIII. And be it enacted, That the Company shall keep a book to be called "The Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons being Shareholders of the Company, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the Common Seal of the Company affixed thereto.

How Shares
may be as-
signed, trans-
ferred, and the
transfer re-
gistered.

IX. And be it enacted, That the Shares in the Stock of the said Company shall be assignable by delivery of the certificates to be issued to the holders of such Shares respectively, and by assignment in the form of the Schedule annexed to this Act, or in any other convenient form to be prescribed by any By-law of the said Company, and that by such assignment, and the same being duly entered on the Register Book of the Company, the party accepting such transfer shall thenceforth become, in all respects, a Member of the said Corporation, in respect of such Share or Shares, in the place of the party transferring the same, but no such transfer shall be valid until all the calls or instalments, due on the Share or Shares purporting to be transferred, and all debts due to the Corporation thereon, shall have been paid; and a copy of such transfer, extracted from the Register Book of the Company, signed by the Clerk or other Officer of the Company, shall be *prima facie* evidence of such transfer in all the Courts of this Province.

Copies of Re-
gistry of
Transfers.

Registration
of transmis-
sion by death,
marriage or
other means
than a regular
transfer.

X. And with respect to the Registration of Shares, the interest in which may become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other legal means than an assignment, according to the provisions of this Act, Be it enacted, That no person claiming, by virtue of any such transmission, shall be entitled to receive any share of the profits of the said undertaking, nor to vote in respect of any such share or shares, as the holder thereof, until such transmission has been authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom such share or shares shall have been so transmitted, and shall be made and signed by some credible person before a Justice of the Peace, or before a Master or Master Extraordinary in the Court of Chancery, and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders
of

of the Company, whereby such person shall be and become a Shareholder in the said undertaking; and for every such entry the Secretary may demand any sum not exceeding Five Shillings. Fee.

XI. And be it enacted, That if such transmission be by virtue of the marriage of a female Shareholder, the said Declaration shall contain a sufficient proof of such marriage, and shall declare the identity of the wife with the holder of such Share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the Will or Letters of Administration, Act of Curatorship, or other document proving the right, or an official extract therefrom, shall together with such Declaration, be produced to the Secretary, and upon such production, in either of the cases aforesaid, the Secretary shall make an entry of the Declaration in the said Registry of Transfers. Declaration to contain certain allegations in case of transmission by marriage, death, &c.

XII. And be it enacted, That the Shareholders shall not, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount of their shares in the said Company, or the sums, if any, remaining due to complete the amount thereof. Limited liability of Shareholders.

XIII. And be it enacted, That if before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment. Interest on calls overdue.

XIV. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders, willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares in respect of which such advance shall have been made, the Company may pay interest. Company may allow payments beyond calls.

XV. And be it enacted, That the production of the Register Book of the Shareholders of the Company shall be, *primâ facie* evidence of such Defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof. Registry Book to be *primâ facie* evidence.

XVI. And be it enacted, That before declaring any share forfeited, the Directors shall cause notice of such intention to be left at the usual or last known place of abode of the person appearing by the Register Book of Proprietors to be the proprietor of such share; and if the proprietor of any share be abroad, Notice to be given before shares are forfeited.

or if the interest in any such share shall be known by the Directors to have become transmitted otherwise than by assignment, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, shall not be known to the Directors, the Directors shall give public notice of such intention by advertisement in the *Canada Gazette*, and in some other newspaper, as hereinafter provided, and the several notices aforesaid shall be given twenty-one days at least before the Directors shall make such declaration of forfeiture.

Forfeiture to be confirmed at General Meeting.

XVII. And be it enacted, That such declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of the share, until such declaration shall have been confirmed at some General Meeting of the Company, to be held after the expiration of two months at the least, from the day on which such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent General Meeting, to direct the shares so forfeited to be sold or otherwise disposed of; and after such confirmation, the Directors may sell the forfeited shares, either separately or together, or in lots, as to them shall seem fit.

Proof that calls have been made.

XVIII. And be it enacted, That a declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter,) made before any Justice of the Peace or before any Master or Master Extraordinary in the Court of Chancery, that the call in respect to a share was made, and notice thereof given, and that default in the payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration and the receipt of the Secretary of the Company for the price of such share, shall constitute a good title to such share, and thereupon the purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser, upon his signing the undertaking to hold the shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

Conveyance of forfeited share to purchaser.

Shares sold to be limited to amount of arrears due.

XIX. And be it enacted, That the Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending

attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share or shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture, and sale thereof, the surplus shall, on demand, be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

XX. And be it enacted, That if payment of such arrears of call and interest, and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Payment before sale to stop forfeiture.

XXI. And be it enacted, That it shall be lawful for the Company to borrow, on mortgage of any or all their real property, except such as shall be used by the Company for Manufacturing purposes, or bond, such sums of money as may appear to them necessary; Provided that the sum so owing by the Company at any one time, shall not exceed Twenty-five Thousand Pounds, not including the real property as aforesaid used by them.

Company may borrow money.

Provido.

XXII. And be it enacted, That the affairs and concerns of the said Company shall be managed by a Board of five Directors, one of whom shall be chosen President and Manager of the said Company, which Board shall consist, in the first instance, until others be chosen according to the provisions hereinafter mentioned, of Casimir S. Gzowski, James Beaty, Thomas Hayes, Thomas D. Harris and John G. Bowes, and which said persons shall hold office and shall have full power and authority to organize the said Company, and for the said purposes appoint any officer of the said Company whom they may deem requisite; and they shall, within one year from the passing of this Act, open books in the City of Toronto to receive subscriptions to the Capital Stock of the Corporation, and thirty days' notice shall be given of the same in two or more Newspapers published in the City of Toronto, and the said books shall remain open for thirty days at the said place unless the whole stock shall have been subscribed before that time, under the direction of the persons above named; and such sum as they may think expedient, not less than two and one half per centum per share shall be paid on each share at the time of subscribing.

First Directors named.

Their powers.

Subscription Books.

Payment on subscribing.

XXIII. And be it enacted, That so soon as one half of the Capital Stock of the said Company shall be subscribed, and one fourth part thereof shall be paid up, the business and affairs

A certain portion of the Capital to be

subscribed for
and paid in
part before
the Company
commence
business.

of the said Company shall and may commence, and the said Company be considered to be in operation and existence from the time hereinafter provided; and the said Directors to be elected as herein provided shall thereafter have full power and authority to conduct and manage the affairs of the said Company, and to enter into any or all engagements or contracts for or on behalf of the said Company, and the business connected therewith, and to carry on the same and do every thing necessary therefor; Provided always, that this Act shall not go into operation or have effect for the purposes of the Company until the subscription and payment of the stock as provided in this clause shall have been established to the satisfaction of the Governor, who shall thereupon, by Proclamation to be published in the usual manner, notify the same to the public, and give operation to this Act.

Proviso.

First and
yearly Gene-
ral Meeting
and election
of Directors.
Election of
Directors

XXIV. And be it enacted, That the first Annual General Meeting of the Company shall be held not sooner than one month nor later than six weeks after the publication of the Proclamation aforesaid; and on the same day (not being a Sunday or statutory holiday) in each year following, it shall and may be lawful to and for the Shareholders and Subscribers of such Stock, to proceed to the election of five Directors by ballot, notice having been given in some two or more public newspapers published in the City of Toronto, at least sixty days before such Election; and any person (but no other) who shall be holder of at least twenty shares of the said stock, shall be eligible to be appointed such Director or Directors; and such Directors, who shall be so chosen, shall proceed within ten days to appoint one of the said Directors so chosen, to be the President and Manager of the said Company: and the said Directors shall go out of office annually, but shall be eligible for re-election, and may be replaced by others to be appointed at the Annual Meetings; Provided that no person shall be eligible to be elected such Director, if he shall be in any way in default to the said Company for or on account of any share or shares held by him; And provided also, that the Directors hereby appointed shall have full power and authority at any time after the said Company shall go into operation, or in case of the death of any Director, to call a meeting of the Shareholders of the said Company and proceed to the election of other Directors or Director as herein provided for.

Qualification
of Directors.

Term of
office.

Proviso.

Proviso.

Voting by
proxy.

XXV. And be it enacted, That every Stockholder shall be entitled to vote for every share that he may at the time of such election hold or be entitled to, provided he be not in default in any way, and that he may vote personally or by proxy, provided such proxy be a Stockholder not in default, whose appointment as such proxy shall bear date within twelve months of the time of such Election, and sufficient proof be given thereof.

XXVI. And be it enacted, That the said Directors to be appointed at the said Annual Meetings, or the majority of them, shall have full and ample power and authority to make, alter and enact all and every necessary By-law and By-laws, Rules and Regulations for the regulation and management of the said Company, either as to the amount of the calls or instalments on the said stock, the way or manner or time in or at which the same shall be paid, and to do every thing they deem expedient as to the direction, management, carrying on and satisfactory working and progress of the said Company, and to declare and distribute any dividend or dividends or profits arising from the business of the said Company at such times or seasons as they shall deem expedient, and to appoint any officer or officers of or for the said Company at such salary as they may think fit; Provided such By-laws shall not be repugnant to this Act.

Directors to make By-laws.

Other powers vested in them.

XXVII. And be it enacted, That the Stock of the said Company shall be personal property, and shall and may be transferable and assignable as such; but no shares shall be transferable until after payment of all previous calls thereon, or until their forfeiture for non-payment of calls, and it shall not be lawful for the said Company to use any of its funds for the purchase of any Stock in any other Corporation.

Stock to be personalty.

Not transferable until calls are paid, &c.

XXVIII. And be it enacted, That in all actions, suits or prosecutions, in which the said Company may be at any time engaged, any Officer or Stockholder in the said Company shall be a competent witness for, on behalf of, or against the said Company, notwithstanding any interest he may have therein.

Stockholders, &c., may be witnesses.

XXIX. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and proof of the concurrence of the other holders thereof shall not be requisite.

Persons holding shares jointly.

XXX. And be it enacted, That the Directors shall cause notices, minutes or copies, as the case may require, of all appointments made, or contracts entered into by the Directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be under the superintendence of the Directors; and every such entry shall be signed by the Chairman of the Meeting at which the matter in respect of which such entry was made, was moved or discussed at or previously to the next meeting of the said Company or Directors, as the case may be; and such entry so signed, shall be received as *prima facie* evidence in all Courts, and before all

Directors to keep Registers of proceedings.

Their effect.

all Judges, Justices and others, without proof of such respective meeting having been convened, or of the persons making or entering such orders or proceedings, being Shareholders or Directors, or Members of the Committee respectively, or by the signature of the Chairman, all of which last mentioned matters shall be presumed; and all such books shall, at any reasonable time, be open to the inspection of any of the Shareholders.

They shall be open to Stockholders.

Acts of Directors to be valid notwithstanding error, &c.

XXXI. And be it enacted, That all acts done by any meeting of the Directors or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error 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.

Non liability of Directors acting within their powers.

XXXII. And be it enacted, That no Director, being a party to, or making, signing or executing, in his capacity of Director, any contract or other instrument, on behalf of the Company, or otherwise lawfully executing any powers given to the Directors, shall be subject to be sued or prosecuted, individually, by any person whomsoever; and the bodies or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal process, by reason of any contract or other instrument so entered into, signed or executed by them or any of them, or by reason of any other lawful act done by them or any of them in the execution of any of their powers as Directors, and the Directors, their heirs, executors and administrators, shall be indemnified out of the Capital of the Company for all payments made, or liabilities incurred in respect of any act done by them, and for all losses, costs and damages, which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company, shall apply the existing funds and Capital of the Company for the purposes of such indemnity, and shall, if necessary for that purpose, make calls of the Capital remaining unpaid: Provided always, that no such Director or Directors shall directly or indirectly sell or cause to be sold to the said Company, any goods, wares or materials, so long as, or during the time he or they shall remain a Director or Directors of the said Company.

Indemnification of Directors.

Proviso.

Dividends.

Proviso.

XXXIII. And be it enacted, That the Directors shall have power to make dividends on the paid up Capital, each half year, when in their opinion, it shall be advisable; Provided always, that no such dividend shall be declared or made, whereby the Capital Stock will be in any degree reduced.

Interpretation clause.

XXXIV. And be it enacted, That the word "land" in this Act, shall include all lands, tenements and hereditaments, and real and immoveable property whatsoever; and the word "Shareholders"

“Shareholders” shall include the heirs, executors and administrators, curators, legatees or assigns of such Shareholders, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction.

XXXV. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days of each Session, a Statement shewing the amount of landed or other property held by the said Company, the total amount of money borrowed by them under the provisions of this Act, with the rates of interest paid thereon, and the statement of the various sums loaned by them, with the rate of interest thereon. Company to make yearly reports.

XXXVI. And be it enacted, That this Act be and is hereby declared a Public Act, and the Interpretation Act shall apply to this Act. Public Act.

XXXVII. And be it enacted, That this Act shall be null and void, unless the Company shall go into operation within five years from the passing thereof. Forfeiture by non-user.

CAP. CCXLIX.

An Act to incorporate *The Leeds, Lanark and Renfrew Locomotive Manufacturing Company.*

[Assented to 14th June, 1853.]

WHEREAS R. P. Colton, Benjamin Chaffey, William Matthie, D. B. O. Ford, James Crawford, John Ross, Junr., Allan Turner, George Morton, and Albert N. Richards, all of Brockville, in the United Counties of Leeds and Grenville, have petitioned the Legislature that an Association under the style and title of *The Leeds, Lanark and Renfrew Locomotive Manufacturing Company*, may be incorporated, to enable and empower the said Association or Company to enter into, carry on and conduct all the necessary business connected with or appertaining or belonging to the manufacture of Cars, Locomotive Power and Engines required for Railroads or otherwise, and for all repairs connected with the same, or for furnishing and supplying all furniture that may be required for Railroads or other purposes connected therewith, and with any thing appertaining to Locomotive power; And whereas it is considered that such an Association would be greatly beneficial to the interests of the Province, and tend to develop the powers and capabilities of the same, employ the labor thereof, and retain a large amount of expenditure which must shortly take place within the province, instead of being expended in a foreign country: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province Preamble.

Certain persons incorporated.

Corporate name and general powers.

Proviso: as to real estate.

Proviso: further limitation as to real estate.

Capital Shares.

Part to be paid on subscribing.

Proviso: calls limited.

Forfeiture for non-payment of calls.

Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the persons aforesaid or such of them, and all such other persons as now are or shall become Shareholders of the said Company, shall be and are hereby ordained, constituted and appointed to be a Body Corporate and Politic in Law, fact and in name, by the style and title of *The Leeds, Lanark and Renfrew Locomotive Manufacturing Company*, and also that they and their successors by and under the said name, style and title, shall be capable in Law of purchasing, holding or conveying in any way whatever, any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter contained; Provided always, that the said Company shall hold no real estate except for the actual use and occupation of the Corporation, save only in the case hereinafter provided for; Provided also, that the said real estate so held for the use of the said Company shall not exceed in value Ten Thousand Pounds currency, which shall be included in and form part of the amount of the said Capital, and the place of carrying on the business of the said Company shall be at some place within the said Counties of Leeds, Lanark and Renfrew.

II. And be it enacted, That the Capital Stock of the said Company shall be Fifty Thousand Pounds, to be composed of two thousand shares of the value of Twenty-five Pounds for each share.

III. And be it enacted, That it shall be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares as he, she or they may think fit, and two and a-half per cent shall be paid at the time of subscription or within one month thereafter, and the remainder shall be payable as the majority of the Directors hereinafter named shall determine upon: Provided always, that no call shall exceed twenty per cent, and that no instalment shall become payable until after sixty days' notice shall be given by the said Directors in more than one public newspaper published in the Town of Brockville; and if any Stockholder or Stockholders shall, after such notice, refuse or neglect to pay to the said Directors such call or instalment due upon such share or shares held by him, her or them, such share or shares shall or may, in the option of the said Directors, or of the Directors for the time being hereinafter provided for, become forfeited, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever, or the same may become vested in and for the benefit of the said Company, as the said Directors may determine.

IV.

IV. And be it enacted, That in case the said share or shares shall not be forfeited for or by reason of the non-payment of any of the calls or instalments thereon to be made as aforesaid, the said Company may sue for the same or any thing due thereon, and that in all actions or suits for the recovery of such calls or arrears, it shall be sufficient for the said Company to declare in an action of Debt in manner following :

The calls may be also recovered by action.

“ For that whereas the defendant, heretofore, to wit, on the day of , one thousand eight hundred and , was indebted to ‘The Leeds, Lanark and Renfrew Locomotive Manufacturing Company’ in the sum of , for calls and dues upon certain stock and shares of the said Company held by the defendant before then due and unpaid upon the said stock and shares ; and, being so indebted, then became liable to pay the said amount to the said plaintiffs, whereby an action hath accrued to the said plaintiffs to ask and demand the same from the defendant ; yet the defendant, although often requested so to do, hath not paid the same, or any part thereof, to the plaintiffs’ damage of . Wherefore they bring suit, &c.”

Form of declaration.

And, on the trial, it shall only be necessary to prove that the defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever

Proof in such action.

V. And be it enacted, That the business of the said Corporation shall be, and they shall have full power and authority, to make, construct and build all and every kind of Engine, Car, Locomotive, and furniture for or connected with any thing that may be required for Railroads, Steamboats, or machinery of any kind, or for the repair or refitting of the same, and every thing connected with and appertaining thereto.

Business of the Company defined.

VI. And be it enacted, That it shall and may be lawful for the said Corporation to purchase, acquire and hold any lands, tenements, real or personal estate, necessary for carrying on the business of the said Corporation, or any Debentures or other securities, public or private, which shall come into their hands *bonâ fide* in the course of their business aforesaid, in payment of or for securing the payment of any debt due to them in the course of such business, or any lands or real property which, having been mortgaged or pledged to them for securing debts to them incurred *bonâ fide* in the course of their business aforesaid, may by reason of such pledge or mortgage become their property, or shall be purchased by them at any sale thereof in execution of any order or judgment of a competent Court in their favor, and to sell, exchange and dispose of any property, real or personal, which they may lawfully purchase or acquire under this Section, in such manner as the said Company or the Directors thereof for the time being may deem expedient.

In what cases the Company may acquire real estate.

Power to dispose of real estate.

VII.

Not to issue Bank Notes.

VII. And be it enacted, That nothing in this Act shall authorize the said Company to issue Bank Notes, or in any way to act as Bankers.

Registers of Shareholders to be kept.

VIII. And be it enacted, That the Company shall keep a book to be called "The Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons being Shareholders of the Company, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its number, and the amount of the subscriptions paid on such Shares; and such book shall be authenticated by the Common Seal of the Company affixed thereto.

Shares how assignable.

IX. And be it enacted, That the Shares in the Stock of the said Company shall be assignable by delivery of the certificates to be issued to the holders of such Shares respectively, and by assignment in the form of the Schedule annexed to this Act, or in any other convenient form to be prescribed by any By-law of the said Company, and that by such assignment, and the same being duly entered on the Register Book of the Company, the party accepting such transfer shall thenceforth become, in all respects, a Member of the said Corporation, in respect of such Share or Shares, in the place of the party transferring the same, but no such transfer shall be valid until all the calls or instalments due on the Share purporting to be transferred, and all debts due to the Corporation thereon, shall have been paid; and a copy of such transfer, extracted from the Register Book of the Company, signed by the Clerk, or other Officer of the Company, shall be *prima facie* evidence of such transfer in all Courts of this Province.

Registration.

Calls must be paid before transfer.

Extract from Register to be evidence of transfer.

Registration of shares transmitted otherwise than by formal transfer.

X. And with respect to the Registration of shares, the interest in which may become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other legal means than an assignment, according to the provisions of this Act, Be it enacted, That no person claiming, by virtue of any such transmission, shall be entitled to receive any share of the profits of the said undertaking, nor to vote in respect of any such share or shares, as the holder thereof, until such transmission has been authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom such share or shares shall have been so transmitted, and shall be made and signed by some credible person before a Justice of the Peace, or before a Master or Master-Extraordinary in the Court of Chancery, and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders of the Company, whereby

whereby such person shall be and become a Shareholder in the said undertaking ; and for every such entry, the Secretary may demand any sum not exceeding Five shillings. Fee.

XI. And be it enacted, That if such transmission be by virtue of the marriage of a female Shareholder, the said Declaration shall contain a sufficient proof of such marriage, and shall declare the identity of the wife with the holder of such Share ; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the Will or Letters of Administration, Act of Curatorship, or other document proving the right, or an official extract therefrom, shall, together with such Declaration, be produced to the Secretary ; and upon such production, in either of the cases aforesaid, the Secretary shall make an entry of the Declaration in the said Registry of Transfers.

Declaration to contain certain particulars in case of transmission by marriage, decease, &c.

XII. And be it enacted, That the Shareholders shall not, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount of their Shares in the said Company, or the sums, if any, remaining due to complete the amount thereof.

Limitation of liability of Shareholders.

XIII. And be it enacted, That if before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Interest on calls overdue.

XIV. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders, willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for ; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares in respect of which such advance shall have been made, the Company may pay interest.

Company may receive payments on shares without calls.

XV. And be it enacted, That the production of the Register Book of the Shareholders of the Company, shall be *prima facie* evidence of such Defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof.

Register Book to be evidence of Shareholders being such.

XVI. And be it enacted, That before declaring any share forfeited, the Directors shall cause notice of such intention to be left at the usual or last known place of abode of the person appearing by the Register Book of Proprietors to be the proprietor of such share ; and if the proprietor of any share be abroad,

Notice before forfeiture of any shares.

abroad, or if the interest in such share shall be known by the Directors to have become transmitted otherwise than by assignment, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, shall not be known to the Directors, the Directors shall give public notice of such intention by advertisement in the *Canada Gazette*, and in some other newspaper, as herein-after provided, and the several notices aforesaid shall be given twenty-one days at least before the Directors shall make such declaration of forfeiture.

Forfeiture must be confirmed at general meeting.

XVII. And be it enacted, That such declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of the share, until such declaration have been confirmed at some General Meeting of the Company, to be held after the expiration of two months, at the least, from the day on which such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent General Meeting, to direct the shares so forfeited to be sold or otherwise disposed of; and after such confirmation, the Directors may sell the forfeited shares, either separately or together, or in lots, as to them shall seem fit.

Sale on such declaration.

How calls and forfeiture may be proved.

XVIII. And be it enacted, That a declaration in writing, by an officer or servant of the Company, or by some credible person (not interested in the matter), made before any Justice of the Peace or before any Master or Master-Extraordinary in the Court of Chancery, that the call in respect to a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration and the receipt of the Secretary of the Company for the price of such share, shall constitute a good title to such share, and thereupon the purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser upon his signing the undertaking to hold the shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

Title to purchaser of forfeited shares.

No more to be sold than will pay calls overdue.

XIX. And be it enacted, That the Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and expenses attending such sale

sale and declaration of forfeiture ; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture, and sale thereof, the surplus shall, on demand, be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

XX. And be it enacted, That if payment of such arrears of call and interest, and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Payment before sale to stop forfeiture.

XXI. And be it enacted, That it shall be lawful for the Company to borrow, on mortgage of any or all their real property, except such as shall be used by the Company for Manufacturing purposes, or bond, such sums of money as may appear to them necessary ; Provided that the sum so owing by the Company at any one time, shall not exceed Twelve Thousand Five Hundred Pounds, not including the real property as aforesaid used by them.

Company may borrow money on mortgage.

Proviso.

XXII. And be it enacted, That the affairs and concerns of the said Company shall be managed by a Board of seven Directors, one of whom shall be chosen President and Manager of the said Company, which Board shall consist, in the first instance, until others be chosen according to the provisions hereinafter mentioned, of R. P. Colton, Benjamin Chaffey, W. Matthie, D. B. O. Ford, James Crawford, George Morton and Allan Turner, and which said persons shall have full power and authority to organize the said Company, and for the said purposes appoint any officer of the said Company whom they may deem requisite ; and they shall, within one year from the passing of this Act, open books in the Town of Brockville to receive subscriptions to the Capital Stock of the Corporation, and thirty days' notice shall be given of the same in one or more Newspapers published in the Town of Brockville, and the said books shall remain open for thirty days at the said place unless the whole stock shall have been subscribed before that time, under the direction of the persons above named ; and such sum as they may think expedient, not less than two and one half per centum per share shall be paid on each share at the time of subscribing.

Seven Directors.

First Directors named.

Opening books of subscription, &c.

XXIII. And be it enacted, That so soon as one half of the said Capital Stock of the said Company shall be subscribed, and Twelve Thousand Five Hundred Pounds thereof shall be paid up, the business and affairs of the said Company shall

When the Company may commence business.

and

Powers of
Directors.

and may commence, and the said Company be considered to be in operation and existence from the time hereinafter provided ; and the said Directors to be elected as herein provided shall thereafter have full power and authority to conduct and manage the affairs of the said Company, and to enter into any or all engagements or contracts for or on behalf of the said Company, and the business connected therewith, and to carry on the same and do every thing necessary therefor ; Provided always, that this Act shall not go into operation or have effect for the purposes of the Company until the subscription and payment of the stock as provided in this clause shall have been established to the satisfaction of the Governor, who shall thereupon, by Proclamation to be published in the usual manner, notify the same to the public, and give operation to this Act.

Proviso: Pro-
clamation de-
claring Act
complied
with.

First and
other Annual
General Meet-
ings.

Election of
Directors.

Qualification.

President and
Manager.

Term of
office.

Proviso.

Proviso.

XXIV. And be it enacted, That the first Annual General Meeting of the Company shall be held not sooner than one month nor later than six weeks after the publication of the Proclamation aforesaid ; and on the same day (not being a Sunday or statutory holiday) in each year following, it shall and may be lawful to and for the Shareholders and Subscribers of such Stock, to proceed to the election of seven Directors by ballot, notice having been given in some more than one public newspaper published in the Town of Brockville, at least sixty days before such Election ; and any person (but no other) who shall be holder of at least twenty shares of the said stock, shall be eligible to be appointed such Director or Directors ; and such Directors, who shall be so chosen, shall proceed within ten days to appoint one of the said Directors so chosen, to be the President and Manager of the said Company : and the said Directors shall go out of office annually, but shall be eligible for re-election, and may be replaced by others to be appointed at the Annual Meetings ; Provided that no person shall be eligible to be elected such Director, if he shall be in any way in default to the said Company for or on account of any share or shares held by him ; And provided also, that the Directors hereby appointed shall have full power and authority at any time after the said Company shall go into operation, or in case of the death of any Director, to call a meeting of the Shareholders of the said Company and proceed to the election of other Directors or Director as herein provided for.

One vote for
each share.

Proxies.

XXV. And be it enacted, That every Stockholder shall be entitled to vote for every share that he may at the time of such Election hold or be entitled to, provided he be not in default in any way, and that he may vote personally or by proxy, provided such proxy be a Stockholder not in default, whose appointment as such proxy shall bear date within twelve months of the time of such Election, and sufficient proof be given thereof.

Directors may
make By-
laws.

XXVI. And be it enacted, That the said Directors to be appointed at the said Annual Meetings, or the majority of them, shall

shall have full and ample power and authority to make, alter and enact all and every necessary By-law or By-laws, Rules and Regulations for the regulation and management of the said Company, either as to the amount of the calls or instalments on the said Stock, the way or manner or time in or at which the same shall be paid, and to do every thing they deem expedient as to the direction, management, carrying on and satisfactory working and progress of the said Company, and to declare and distribute any dividend or dividends or profits arising from the business of the said Company at such times or seasons as they shall deem expedient, and to appoint any officer or officers of or for the said Company at such salary as they may think fit; Provided such By-laws shall not be repugnant to this Act.

Further powers.

Proviso.

XXVII. And be it enacted, That the Stock of the said Company shall be personal property, and shall and may be transferable and assignable as such; but no shares shall be transferable until after payment of all previous calls thereon, or until their forfeiture for non-payment of calls, and it shall not be lawful for the said Company to use any of its funds for the purchase of any Stock in any other Corporation.

Stock to be personal property, &c.

XXVIII. And be it enacted, That in all actions, suits or prosecutions, in which the said Company may be at any time engaged, any Officer or Stockholder in the said Company shall be a competent witness for, on behalf of, or against the said Company, notwithstanding any interest he may have therein.

Officers and Stockholders may be witnesses.

XXIX. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and proof of the concurrence of the other holders thereof shall not be requisite.

Votes on shares owned jointly.

XXX. And be it enacted, That the Directors shall cause notices, minutes or copies, as the case may require, of all appointments made, or contracts entered into by the Directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be under the superintendence of the Directors; and every such entry shall be signed by the Chairman of the Meeting at which the matter in respect of which such entry was made, was moved or discussed at or previously to the next meeting of the said Company or Directors, as the case may be; and such entry so signed, shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices and others, without proof of such respective meeting having been convened, or of the persons making or entering such

Directors to keep minutes of their doings.

Effect of entries therein, &c.

such orders or proceedings, being Shareholders or Directors, or Members of the Committee respectively, or of the signature of the Chairman, all of which last mentioned matters shall be presumed; and all such books shall, at any reasonable time, be open to the inspection of any of the Shareholders.

Acts of Directors valid, notwithstanding defect in Election, &c.

XXXI. And be it enacted, That all acts done by any meeting of the Directors or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error 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.

Non liability of Directors acting within their powers.

XXXII. And be it enacted, That no Director, being a party to, or making, signing or executing, in his capacity of Director, any contract or other instrument, on behalf of the Company, or otherwise lawfully executing any powers given to the Directors, shall be subject to be sued or prosecuted, individually, by any person whomsoever; and the bodies or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal process, by reason of any contract or other instrument so entered into, signed or executed by them or any of them, or by reason of any other lawful act done by them or any of them, in the execution of any of their powers as Directors, and the Directors, their heirs, executors and administrators, shall be indemnified out of the Capital of the Company for all payments made, or liabilities incurred in respect of any acts done by them, and for all losses, costs and damages which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company, shall apply the existing funds and Capital of the Company for the purposes of such indemnity, and shall, if necessary for that purpose, make calls of the Capital remaining unpaid.

Dividends.

XXXIII. And be it enacted, That the Directors shall have power to make dividends on the paid up Capital, each half year, when in their opinion it shall be advisable; Provided always, that no such dividend shall be declared or made, whereby the Capital Stock will be in any degree reduced.

Proviso.

Interpretation clause.

XXXIV. And be it enacted, That the word "land" in this Act, shall include all lands, tenements and hereditaments, and real and immoveable property whatsoever; and the word "Shareholders" shall include the heirs, executors and administrators, curators, legatees or assigns of such Shareholders, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction.

XXXV. And be it enacted, That the said Company shall submit to the three Branches of the Legislature, within the first fifteen days of each Session, a Statement shewing the amount of landed or other property held by the said Company, the total amount of money borrowed by them under the provisions of this Act, with the rates of interest paid thereon. Annual re-ports by Com-pany.

XXXVI. And be it enacted, That this Act be and is hereby declared a Public Act, and the Interpretation Act shall apply to this Act. Public Act, &c.

XXXVII. And be it enacted, That this Act shall be null and void unless the Company shall go into operation within five years from the passing thereof. Forfeiture by non-user.

C A P . C C L .

An Act to incorporate a Company in the City of Toronto, to be called The Metropolitan Gas and Water Company.

[Assented to 14th June, 1853.]

WHEREAS the rapidly increasing population of the City of Toronto, and its largely extending business, promoted by the railways now in course of construction and those about to be commenced, with the consequent demand, not only for greater facilities in supplying the citizens with Gas, but the so supplying it of an improved quality and at cheaper rates, and further the growing demand for a better supply of pure and wholesome Water at moderate rates, renders it desirable that more than one Joint Stock Company should be established for the purpose of furnishing cheap and well rectified Gas, and also cheap, and pure and wholesome Water, to the inhabitants of Toronto and its vicinity; And whereas a large number of the influential citizens of Toronto have, by their petition, prayed that certain persons, and such others as may be hereafter associated with them in the undertaking, may be incorporated under the style and title hereinafter mentioned, for the purpose of supplying the said City of Toronto and vicinity with Gas in greater quantity, of better quality, and at a cheaper rate, as also of Water in greater quantity, of a much purer and more wholesome quality, and at cheaper rates; And whereas the Mayor, Aldermen and Commonalty of the said City of Toronto have signified their assent to the establishment of the said new Gas and Water Company, and to their having the powers hereinafter given them with regard to the opening of the streets and other matters connected with the establishment and construction of the works of the said Company; And whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted

Certain persons incorporated.

Corporate name and general powers.

Proviso.
As to real estate.

Company empowered to erect Gas and Water Works.

Company may raise a certain sum of money in shares of £12 10 each.

constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the 'United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Joseph C. Morrison, Philip M. Vankoughnett, Henry Rowsell, George Michie, Samuel Zimmerman, Frederick Chase Capreol, Martin P. Hayes, the Honorable James Hervey Price, and George A. Barber, or such of them and such other persons as shall hereafter become Shareholders in the Company to be hereby established, shall be and are hereby ordained and constituted a Body Politic and Corporate, by the name of The Metropolitan Gas and Water Company, and by that name they and their successors, Shareholders in the said Company, shall and may have perpetual succession and a common Seal, with power to make, break and change the same at pleasure; and shall and may by the same name have, enjoy and exercise all the powers incident to corporate bodies generally; and shall and may have full power to purchase, take and hold, besides personal property, lands, tenements, and other real property, for the erection, construction and convenient use of the Gas and Water Works, or either of them, hereinafter mentioned, and for the purposes and uses generally of the said Company; and such lands, tenements and real property, or any of them, to sell, alienate and convey, and others in their stead to purchase, take and hold from time to time for the purposes and uses aforesaid: Provided always, that such lands, tenements and real property to be holden by the said Company, shall not exceed Twenty Thousand Pounds in value, and be so holden for the constructing, maintaining and carrying on the Works of the said Company, and for the purposes, uses and business operations of the said Company, and in and towards accomplishing the same and effecting the objects for which such Company is hereby incorporated, and not otherwise.

II. And be it enacted, That the said Company may erect, maintain and carry on, under the provisions of this Act, both Gas and Water Works, or either the one or the other, as the said Company may feel themselves enabled to do and may think expedient, and may at one and the same time, or at different times, commence the construction of such several works, and open books for the subscription of stock therefor jointly as hereinafter mentioned.

III. And be it enacted, That the said Company may raise and constitute among themselves in shares of Twelve Pounds Ten Shillings each for the Gas Works of the said Company, and for the Water Works of the said Company, such joint sum as shall not altogether exceed the sum of One Hundred and Fifty Thousand Pounds, and the President and Directors of the said Company may and are hereby authorized for the purposes and uses of the said Company, to borrow money in one sum or several sums

sums from any individual or corporate body willing to lend or advance the same, and may pledge and hypothecate to such individual or corporate body the property and income of the said Company, for the repayment of the said sum or sums so borrowed and the interest thereon, or the President or Directors of the said Company may issue scrip or debentures in the name of the said Company for sums not less than Twelve Pounds Ten Shillings each, and the same shall be transferable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the said Company.

May borrow money, issue scrip or Debentures, &c.

IV. And be it enacted, That so soon as Fifty Thousand Pounds of the Capital Stock of the said Company shall have been taken and subscribed and the sum of Ten Shillings per share paid thereon, it shall be lawful for the Subscribers of the said Stock, or any of them, to call a public meeting of the said Subscribers by a notice therefor, to be inserted at least ten days previously to the time of such meeting, in two of the newspapers in the City of Toronto, in which notice shall be specified the time and place in the City of Toronto where such meeting shall be held, and that the same is for the election of Directors of the said Company, and at such meeting when so convened, the Shareholders in the said Company may proceed to the election by Ballot of seven of the Shareholders in the said Company for and as Directors of the said Company; each such Shareholder to be elected being a holder of not less than fifty shares in the said Company, and the said Directors may then forthwith or at any subsequent meeting of themselves, elect from among their own number a President of the said Company, and such Directors and President shall continue in office until the first Monday in July in the year then next following that in which they shall be so elected, and on such first Monday of July, and on every first Monday of July in each succeeding year, or on the next following day, if such Monday be a holiday, a General Annual Meeting of the Stockholders shall be held in the office of the said Company at eleven o'clock in the forenoon, or in such other more convenient place, and at such other more convenient time as the Directors of the said Company shall appoint and have given notice of in two of the newspapers in the said City of Toronto at least one week previously to the said Annual Meeting, and at such Annual Meeting the Shareholders present shall proceed to elect from among themselves, seven persons holding not less than twenty shares each in the Stock of the said Company, to be Directors in the room of the Directors for the then past year: Provided that any of the Shareholders then or who had been Directors shall be eligible to re-election, and such Directors so elected shall at such time as shall be appointed by any By-law of the Company, or in case of no such By-law, at their first meeting after such election, elect one of their number to be the President of such Company: Provided that in all matters the Directors shall vote *per capita*,

First public Meeting for election of Directors.

Ballot.

Directors to elect President.

Term of office.

General Annual Meeting and Election of Directors.

Proviso.

Proviso.

and

and not according to the number of shares held by them, and the President or Chairman *pro tempore* shall, in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors.

Quorum of Directors, &c.

V. And be it enacted, That any four of the said Directors shall form a quorum for the transaction of business, and any majority of such Directors assembled according to the provisions of this Act, and the By-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors, and the President, or in his absence a Chairman chosen by the Directors present *pro tempore*, shall preside at the meetings of Directors: Provided always that no person being a Shareholder in any other Gas or Water Company, formed for the purpose of furnishing Gas or Water to the said City, shall be a Director of the Company hereby established.

Proviso.

At Annual General Meetings a Statement of affairs to be exhibited.

VI. And be it enacted, That at the General Meetings of the Shareholders to be held annually for the purpose of electing Directors as aforesaid, on the first Monday in the month of July in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President under his hand and seal: Provided always that in the event of there being no election of Directors, on the first Monday in July in any year, in consequence of the said Shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case, the Directors of the previous year shall continue and remain in office until an election shall take place at a future special meeting of the said Shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Proviso: for the failure of Election of Directors.

Other Directors may be appointed in cases of vacancy, &c.

VII. And be it enacted, That it shall be lawful for the said Directors from time to time, in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office, or the removal of any person so chosen to be President or Director, or either of them, to choose in their or his stead from among the said Directors another person to be President, or from among the other Shareholders another person to be Director or Directors respectively, to continue in office until the next Annual Election as aforesaid.

Directors may appoint officers of Company, make By-laws, &c.

VIII. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Secretary and Treasurer, Clerks, and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, and also shall and may have the

the power to make and repeal or alter such By-laws, to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well ordering of the said Company, the management and disposition of its stock, property, estate and effects, the calling of Special Meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company, and the conduct of the affairs thereof, and also shall and may have the power to make calls for instalments on shares subject to the provisions hereinafter made, and to declare such yearly or half-yearly dividends out of the profits of the said undertaking as they may deem expedient: Provided that no dividend shall be made, if the payment thereof would render the said Company insolvent, or would in any way diminish the amount of its Capital Stock; and to make contracts, or by such By-laws to empower the President or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the common Seal of the Company to such contracts, and generally to manage the affairs of the said Company, and to do and empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided: Provided always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers hereby granted, nor repugnant to the laws of this Province, and shall before they shall have force, be approved by the Shareholders at some annual or special meeting, at which such Shareholders shall have full power to alter or amend the same; And provided also, that until it be otherwise ordered by the By-laws of the Company, a special meeting of the Shareholders may be called by the Directors, or in their default on being thereunto requested, by at least five of the Stockholders, being proprietors together of not less than one hundred shares of the Stock of the said Company, the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public Newspapers of the City of Toronto, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proviso as to
payment of
dividends.

Proviso.

Proviso: mode
of calling Special
General
Meetings of
Company.

IX. And be it enacted, That Shareholders may vote by proxy (duly appointed in writing) or in person, and all elections shall be by ballot, and all questions to be decided at any annual or special meeting of the Shareholders, shall be so decided by a majority of votes, and the number of votes which each Shareholder in the said undertaking or Company shall be entitled to give, on every occasion when in conformity with the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be equal to the number of shares held by him or her not exceeding one hundred, and for every five shares over a hundred shares, one vote.

Votes of
Shareholders.
Proxies, &c.

Payment of sums subscribed before or after the passing of this Act may be enforced, and how.

What must be alleged and proved in any action under this sect.

Amount of instalments, and how called in.

Proviso: calls limited.

Forfeiture for non-payment.

X. And be it enacted, That all subscriptions for shares in the Capital Stock of the said Company or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid and binding on the Shareholders whether made before or after the passing of this Act, and the several persons who have subscribed or who may hereafter subscribe for shares in the said undertaking or Company shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons and at such times and places as shall be directed or required by the Directors, and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of Law in this Province having jurisdiction in civil cases to the amount : and in any such action whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the Stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount, and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some Book or Paper, by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking, be proved by one witness whether in the employment of the Company or not, and that the number of calls in arrear have been made and the suit may be brought in the corporate name of the Company.

XI. And be it enacted, That no one instalment to be paid on account of the Shares in the Stock of the said Company shall exceed Two Pounds Ten Shillings, Currency, on each Share, and notice thereof shall be given by advertisement in the newspapers during at least two months before such instalment shall be called for ; Provided always that no instalment shall be called for except after the lapse of two calendar months from the time when the last instalment was called for ; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten nor less than five per cent on the amount of his or their respective Share or Shares ; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective Share

Share or Shares upon which former instalments shall have been paid, and such Share or Shares shall be sold by order of the Directors by public auction, and the proceeds of the sale, after deducting costs and the forfeiture above mentioned, shall be paid over to such defaulter ; and the President or Manager of the Company shall have power to transfer the Stock to the purchaser or purchasers thereof ; Provided always, that no advantage shall be taken of the forfeiture of any Share or Shares unless the same shall be declared to be forfeited at some special meeting of the Shareholders assembled at any time after such forfeiture shall have been incurred, and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Works.

Sale of forfeited shares.

Proviso: forfeiture must be declared at a General Meeting: its effect.

XII. And be it enacted, That the Capital Stock of the said Company is hereby directed and appointed to be laid out and applied in the first place for, and towards the payment, discharge and satisfaction of all fees and disbursements, for obtaining and passing this Act, and for making surveys, plans, and estimates incident thereto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Gas and Water Works, and for efficiently and properly carrying out and accomplishing the purposes and uses generally of the said Company.

Application of Capital Stock.

XIII. And be it enacted, That the Shares in the Stock of the said Company shall be assignable and transferable according to such rules and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such Shareholders ; Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws.

Shares in Stock to be deemed personal property, and how transferable.

Proviso.

XIV. And be it enacted, That it shall and may be lawful for the said Company after two days' notice, in writing, to the Mayor, Aldermen and Commonalty of the City of Toronto, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Toronto as may at any time be necessary for laying down the mains and pipes to conduct the gas or the water or either of them from the works of the said Company to the consumers thereof, or for taking up, renewing, altering or repairing the same, when the said Company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares and public places while the works are in progress, and making the said openings

Company empowered to lay down Gas and Water pipes under certain restrictions.

openings on such parts of the said streets, squares and public places as the proper City Officer, or City Surveyor, under the direction of the Common Council of the said City shall reasonably permit and point out, also placing guards or fences with lamps, and providing watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work, without any unnecessary delay, and in case of the neglect of any of the duties herein provided as aforesaid, the said Company shall be subject to pay a fine of One Pound currency for every day such neglect shall continue after receiving a legal or written notice thereof, to be recovered by civil action in any Court having competent jurisdiction at Toronto, at the suit of any person or persons, or at the suit of the Mayor, Aldermen and Commonalty of the said City of Toronto, and for the use of the said Corporation over and above such damages as may be recovered against the said Company by any other party.

Penalty on
Company for
neglect.

Company em-
powered to
enter lands,
set out and ap-
propriate
waters, &c.

XV. And be it enacted, That it shall and may be lawful for the said Company, and their successors, their agents, servants and workmen, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said City of Toronto and its vicinity, or in the said County of York if necessary for the purposes and uses of the said Company, and to survey, set out and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon as the Company shall judge suitable and necessary for the purposes and uses of the Company, and to contract with the owners or occupiers of such lands and those having any interest or right in the said water or the natural flow of the said water from such springs or streams or of any part thereof, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes and uses of the company, and in case of any disagreement between the company and the owners or occupiers of such lands, or the persons having any interest or right in the said water, or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation, or otherwise, it shall and may be lawful for the owner or occupier so disagreeing with the said Company upon the value of the said lands, rights or privileges, or the amount of such damages, to nominate and appoint one indifferent person, and for the said Company to nominate an indifferent person, who together with one other person to be nominated by the persons so named shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said City, to

Arbitration 'in
case of dif-
ference as
to compensa-
tion therefor.

be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of York, or the said City, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to either of the Superior Courts of Common Law at Toronto, in the same manner, and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume the possession of his property, and all his rights shall thereupon revive. And in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the Judge of the County Court of the County of York may, upon application of the Company, as often as occasion may require, name an arbitrator in his stead, and the award of such arbitrator and those to be named as aforesaid or a majority of them, shall be binding on all parties concerned, subject as aforesaid.

Swearing Arbitrators.

Proviso:
Award to be subject to jurisdiction of Superior Courts at Toronto.

Payment of award.

If any party neglect to appoint an Arbitrator.

XVI. And be it enacted, That for the purpose of extending the mains or pipes conveying the said Gas and Water, or either of them from the works of the said Company to the consumers thereof, beyond the limits of the liberties of the said City of Toronto, or for the purpose of conveying Water or Gas into the said City, it shall be lawful for the said Company after ten days' notice in writing to the Reeve and Township Council of any Township through which such Gas or Water is to be conveyed, to do and perform all the necessary works for extending or carrying the said Water or Gas on, over or along any part of the public streets or highways in such Township, in the same manner, and with the same precautions, and under the like penalty which are pointed out in regard to such works within the said City of Toronto by the foregoing Sections; the Reeve and Township Council of such Township having the same powers conferred and duties imposed upon them, in regard to such Township as the Mayor, Aldermen, and Common Councilmen of Toronto in regard to the said City.

In case of extension of pipes beyond the City, notice to be given to Reeve of the County of York.

Powers of Reeve and Township Council.

XVII. And be it enacted, That where there are buildings within the said City of Toronto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Company shall have power to carry pipes to any part of any building so situated, passing over the property of one or more proprietors or in the possession of one

Provision in case of buildings with different tenants.

Passages in
common.

Compensa-
tion.

Lands, &c.
appropriated,
vested in
Company.

Company
may use
such lands
and waters.

Company to
construct their
works so as
not to endan-
ger the public
health or
safety.

one or more tenants, to convey the Gas or Water or either of them, to that of another or in the possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said Company doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property or to any other party as for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the Company, or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

XVIII. And be it enacted, That all the lands and waters, or the natural flow thereof which shall be set out or acquired or appropriated by the said Company for the purposes and the uses of the same as aforesaid, shall for ever thereafter be vested in the Company and their successors; and it shall and may be lawful for the said Company and their successors to construct, erect and maintain upon the said land and in connection with the said water or flow thereof and Gas, all such Reservoirs, Water Works and Machinery for Water or Gas requisite for the purposes and uses of the said Company, and to convey by a line or lines of pipes, the Water and Gas through any intermediate grounds and lands lying and being between such springs and streams, and the City of Toronto; and the Company are hereby empowered to enter upon and pass over such lands, waters or flow thereof, and the same to cut and dig up, if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as aforesaid in case of disagreement between the Company and the proprietors of the lands, waters or flow thereof.

XIX. And be it enacted, That the said Company shall so construct and locate their Gas and Water Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Company shall, with regard to the construction of such part of their said works, whether for Gas or Water, as shall lie within the City of Toronto, be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety, and convenience of the inhabitants thereof; and the said Gas and Water Works, apparatus and appurtenances respectively, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to
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the visit and inspection of the Municipal authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company, and the said Company and their Servants or Workmen shall, at all times, obey all just and reasonable orders and directions they shall receive from the said Municipal authorities in that respect, under a penalty of not more than Five Pounds, nor less than One Pound Currency for each offence in refusing or neglecting to obey the same, to be recovered from the said Company at the suit of the Mayor, Aldermen and Commonalty for the benefit of the Corporation of the said City of Toronto, in any Court of competent Civil Jurisdiction.

XX. And be it enacted, That in case the said Company shall open or break up any street, square or public place in the said City, and shall neglect to keep the passage of the said street, square, or public place, as far as may be, free and uninterrupted, or to place guards or fences, with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places without unnecessary delay as hereinbefore provided, the City Surveyor, under the direction of the said Council of the City, after notice in writing to the said Company, shall cause the duty so neglected forthwith to be performed, and the expense thereof shall be defrayed by the said Company on its being demanded by the City Surveyor, at any time not less than one month after the work shall have been completed in any case, from the Cashier or Treasurer, or any Director of the said Company, or in default of such payment the amount of such claim shall and may be recovered from the said Company at the suit of the Mayor, Aldermen and Commonalty of the City of Toronto, by civil action in any Court of competent jurisdiction.

Company neglecting necessary precautions, City Council to cause neglected duty to be performed at Company's expense.

XXI. And be it enacted, That the main pipes that shall be laid down by the said Company shall be at least three feet distant from the main pipes of any other Company, or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit, and that the said main pipes shall have the initials of the said Company cast upon each of them, and also the ends of the service pipes and stop cocks which shall appear in the cellars of the houses or buildings to be supplied with Gas or Water shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of any other Company under a penalty of Five Pounds, Currency, for each offence or neglect thereof, which penalty shall be paid to the Company prosecuting and be recovered by Civil action in any Court of Competent civil jurisdiction; Provided always, that if any difference shall arise between the Company chartered by this Act, and any other Gas or Water Company established or to be established in the City of Toronto, as to the 'practicability of either

Pipes of the Company to be laid at a certain distance from those of other Companies, and marked.

Penalty for default.

Proviso: if it be not practicable so to place the

either

Pipes of the Company.

either Company so laying its pipes that they shall be at a distance of at least three feet from those of the other Company, then such difference shall be decided by the Surveyor of the said City, who, if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid. Provided always, that an appeal shall lie from any such decision of the said Surveyor to the Recorder's Court of Toronto, at any sitting of the said Court held after the day on which the decision of the said Surveyor shall be notified to the parties.

Proviso: appeal from Surveyors to Recorder's Court.

Penalty to parties trespassing on pipes belonging to Company.

XXII. And be it enacted, That if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Company or in any way obtain or use its gas or water without the consent of the Directors or their Officer appointed to grant such consent, he, she or they shall forfeit and pay to the said Company the sum of Twenty-five pounds, and also a further sum of One Pound per day for each day such pipe shall so remain, which said sum together with the costs of suit in that behalf incurred, or may be recovered by civil action in any Court of competent Civil Jurisdiction.

Persons hindering Company or damaging their property how punished.

XXIII. And be it enacted, That if any person or persons shall wilfully or maliciously hinder, interrupt, or cause, or induce, or procure to be hindered or interrupted the said Company or their managers, servants, agents or workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained,—or if any person or persons shall wilfully or maliciously break up, pull down or damage, injure, put out of order or destroy any main pipe or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided, for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to the said Company, or if any person or persons shall throw or deposit any thing or nuisance or offensive matter into the water of said Company or in any way foul the same, or shall in any wise wilfully do any injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall increase the supply of gas or water, agreed for with the said Company by increasing the number or size of the holes in the gas burners, or by substituting a pipe or pipes of larger bore for the conveyance of water, or otherwise wrongfully, negligently or wastefully throwing away or wasting the said gas and water or either of them respectively, every such person or persons shall be held guilty of a misdemeanor, and on conviction thereof the Court before whom such persons shall be tried and convicted, shall have power

power and authority to condemn such person to pay a penalty not exceeding Ten Pounds currency, or to be confined in the Common Goal of the City for a space of time not exceeding three months, as to such Court may seem meet.

XXIV. And be it enacted, That should the Mayor, Aldermen and Commonalty of the City of Toronto decide, as they are hereby empowered to do upon taking the Stock of the said Company for the benefit of the Corporation of the said City of Toronto, the Shareholders of the said Company shall be, and they are hereby declared to be bound to surrender and transfer upon receiving three months' notice to that effect the whole of their respective shares unto the said Corporation of the City of Toronto, upon the terms and conditions hereinafter set forth, that is to say, that no such surrender and transfer shall be required to be made after the expiration of five years from the completion of the works of the Company, that the said Corporation shall pay such an advance upon the shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province, together with a further sum in the shape of indemnity of not less than twenty per cent. upon the amount actually expended by the said Company, and that they consent and agree that the charge to be made to consumers of Gas shall not exceed Twelve Shillings and Six Pence per thousand cubic feet, and of Water such a price as will be sufficient to produce a net profit on the works of ten per centum per annum on the said Water Works ; and if the said corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan or by debentures, in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose : Provided always that to entitle the said Corporation to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, the same shall be taken within five years after the completion of the said works ; and in the event of their taking the same, the said Corporation shall be and are hereby bound to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company, as well as its engagements with mechanics, workmen, servants and others, and the said Company shall in all these respects be entirely relieved, exonerated and held harmless from all claims, damages and demands of all or any person or persons as aforesaid by the said Corporation ; and generally the said Corporation shall acquire all the rights and be subject to all the liabilities of the said Company conferred by this Act or lawfully contracted under it.

Corporation of Toronto empowered to assume the property of Company, and upon what terms.

How the Corporation may pay the compensation.

Proviso: the said power must be exercised within five years after completion of works: obligations of Corporation if they exercise such power.

Shareholders not to be individually liable.

XXV. And be it enacted, That no Shareholder in the said Company shall be in any manner whatever liable or charged for any debt or demand due by the said Company beyond the payment or extent of his, her or their share or shares in the Capital Stock of the said Company not paid up.

Company may sell or hire out Gas and Water fittings.

XXVI. And be it enacted, That it shall be lawful for the said Company to sell and dispose of Gas Meters, Gas and Water fittings of every description for the use of private and public houses, or for any establishment, Company or Corporation whatsoever, as well as coke, coal-tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas; and the said Company shall have power and authority to let out to hire Gas Meters and Gas and Water fittings of every kind and description at such rates and rents as may be agreed upon between the consumers or tenants and the Company.

Aliens may hold Stock, &c.

XXVII. And be it enacted, That it shall and may be lawful for Aliens to hold stock in the said Company and to enjoy all the privileges in such Company, which they would have if they were subjects of Her Majesty.

Certain Municipalities authorized to take stock in and loan money to Company.

XXVIII. And be it enacted, That it shall and may be lawful for any of the Municipalities in which the works of the said Company are erected or placed, to subscribe to or take stock in the Company, or to loan any sum of money, on mortgage or otherwise, to the Company, or to contribute in any manner towards advancing the object for which the Company is incorporated; and the Head for the time being of any Municipality holding Stock in the said Company, to the extent of one tenth part or more of the whole of the Capital Stock thereof, shall be *ex officio* a Director of the Company so long as such Municipality shall continue to hold such Stock to the extent aforesaid: Provided that such Municipality shall have no voice in the election or appointment of the private Directors of the said Company.

Directors may receive certain allowances for their attendance at Meetings.

XXIX. And be it enacted, That the said Directors may provide by any By-law to be approved of by the Shareholders, at any special meeting, for the payment to the Directors of the said Gas and Water Company for their attendance at the Meetings of the Board of Directors from time to time, provided that the said allowance shall in no case exceed the sum of One Pound Five Shillings for each day's actual attendance.

Company not to purchase out stock of any other Company.

XXX. And be it enacted, That it shall not be lawful for the said Company to purchase out the stock of the present or any other Gas or Water Company or Companies in the said City, or to sell their own stock or any part thereof to any such Company or Companies.

XXXI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons, body politic or corporate, from constructing any works for the supply of Gas to his or their own premises, or to prevent the Legislature of this Province from at any time altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Company, or to prevent the incorporating of any other Company for like purposes.

This Act not to affect individuals or other Companies ;

XXXII. And be it enacted, That nothing herein contained shall affect in any way or manner whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person, or any body or bodies corporate or collegiate, such only excepted as are herein mentioned.

Or the rights of Her Majesty or corporate bodies.

XXXIII. And be it enacted, That the said works hereinbefore mentioned shall be in operation, the said Gas works within three years, and the said Water Works within five years from the passing of this Act, and in default thereof, the privileges and advantages granted by this Act to the said Company shall cease and be of no effect.

Time for completion of works limited.

XXXIV. And be it enacted, That this Act be and it is hereby declared to be a Public Act, and that the same shall be construed as such in all Her Majesty's Courts in this Province ; and the Interpretation Act shall apply to this Act.

Public Act, &c.

C A P . C C L I .

An Act to amend the Act, intituled, *An Act to incorporate the Hamilton Gas Light Company.*

[Assented to 14th June, 1853.]

WHEREAS the Hamilton Gas Light Company have, by their petition, prayed for certain alterations and amendments in their Act of Incorporation, and it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said The Hamilton Gas Light Company, to hold, use, possess and enjoy all and every part of the lands with the Gas works and buildings thereon erected, and being acquired by them for the purpose of supplying the City of Hamilton with Gas, as provided by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to incorporate the Hamilton Gas Light Company*, and

Preamble.

Certain powers confirmed to the Company incorporated by 13 & 14 V. c. 136.

to manufacture such quantities of Gas as they may deem expedient.

Penalty on persons fraudulently consuming Gas.

II. And be it enacted, That if any person shall keep any light or lights burning for a longer time than he shall contract to pay for, and shall not on demand make satisfaction to the Company, such person shall be liable to a penalty not less than One Pound, and not exceeding Five Pounds currency, besides the value of the excess of Gas so used by him, to be recovered by the Company with costs as in the said Act provided.

Liability of persons accidentally breaking meters, pipes, &c.

III. And be it enacted, That if any meter, pipe, pedestal or lamps supplied by or belonging to the said Company, shall be carelessly or accidentally broken down or damaged by any person, or if they or any of them shall be burned or otherwise accidentally destroyed, the person so breaking down or destroying the same, and the person hiring the same from the Company, shall be severally liable to the said Company for the value thereof; and if they or either of them shall not on demand make satisfaction to the said Company for the damage done, such damage or value may be recovered from them or either of them by the Company with costs, as in the said Act provided.

Other pipes or sewers to be at a certain distance from those of the Company.

IV. And be it enacted, That if any of the pipes mentioned in the thirty-fourth Section of the said Act shall be laid down, or if any common sewers or drains shall be made in the City of Hamilton by the Corporation thereof, or by any person, company or body corporate, such pipes, drains or common sewers shall be laid down at least six instead of three feet distant from those of the Hamilton Gas Light Company, under the penalties mentioned in and provided by the said Section.

Sect. 21, &c., repealed.

V. And be it enacted, That the twenty-fourth Section of the said Act, and any other provisions or clauses thereof inconsistent with this Act, shall be, and the same are hereby repealed.

Public Act.

VI. And be it enacted, That this Act shall be a Public Act.

C A P. C C L I I.

An Act to incorporate certain persons under the style and title of the Saint Maurice Iron Works Company.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS Andrew Stuart and John Porter, have by their Petition represented that they are now proprietors of the Establishment and Manufactory, situate in the district of Three Rivers, in the County of Saint Maurice, in this Province, commonly called and known by the name of the Saint Maurice Iron Works, and that they are willing and desirous to dispose of the same, to a Company to be formed and incorporated for the

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the purpose of carrying on the said Manufactory; And whereas the said Petitioners have prayed, that they, together with such others as shall become Stockholders in the said Company, may be incorporated for the said purpose; And whereas it is highly important to the public that the said Iron Works and Manufactory should be conducted on an extensive scale, and it is expedient that the said Manufactory and Iron Works should be encouraged, and the prayer of the petitioners granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Andrew Stuart and John Porter, and all such persons as hereafter shall become Stockholders in the said Company, shall be and are hereby ordained, appointed and declared to be a body corporate and politic in fact by the name of *The Saint Maurice Iron Works Company*; and also that they and their successors, by the same name of *The Saint Maurice Iron Works Company*, shall be in law capable of purchasing, having and holding, to them and their successors, the said *Saint Maurice Iron Works*, or any estate real or personal necessary for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: Provided always, that it shall not be lawful for the said Company to purchase, have or hold any real estate other than such as shall be necessary for the use of the said Company and the purposes thereof and for the manufactory aforesaid, and that the same shall be subject to the consent of the Governor in Council.

Certain persons incorporated.

Corporate name, and general powers.

Proviso.

II. And be it enacted, That the Capital Stock of the said Company shall be Eighty Thousand Pounds sterling, to be divided into Forty Thousand shares of Two Pounds sterling each.

Capital £80,000 in shares of £2.

III. And be it enacted, That it shall be lawful for the said Andrew Stuart and John Porter, to open or cause to be opened Stock Books for the subscription of parties desiring to become Shareholders in the Capital Stock of the said Company, in as many and in such places in this Province and in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit; and that any person may become a Shareholder in the said Company, whether resident in this Province, in the United Kingdom of Great Britain and Ireland or elsewhere; Provided always, that no subscription in the said Stock Books shall create the party or parties so subscribing a Shareholder

Subscription Books to be opened.

Proviso: Were sub-

scription not to make a Member.

or Shareholders in the said Company, without and until full payment shall be made by him to the person or persons authorized by the Directors to be appointed as hereinafter provided, and as such Directors shall direct to receive the same, of the amount of the shares so subscribed for, and until the issue of Stock Certificates by the proper officer or officers of the said Company for the number of shares to be so paid for, in the manner and form, and as shall be prescribed by the said Directors.

Shares to be personally, and how transferable.

IV. And be it enacted, That the Shares in the Capital Stock of said Company shall be personal property, and may be sold and disposed of by the holders thereof, respectively, and shall be transferable in such way as the Directors shall from time to time determine or appoint.

Five Directors.

V. And be it enacted, That the business and affairs of the said Company shall be conducted and managed at the Saint Maurice Iron Works, in the County of Saint Maurice, where an Office shall be kept; and the said business shall be exercised by five Directors, who shall be severally Shareholders to the amount of Five Hundred Pounds sterling, of the said Stock, and shall be elected in manner hereinafter described by the Shareholders then present in person or by proxy.

Qualification.

First General Meeting and Election of Directors.

VI. And be it enacted, That as soon as Stock to the amount of Thirty Thousand Pounds sterling shall have been subscribed, it shall and may be lawful for the said Andrew Stuart and John Porter to call a meeting in some place either in the City of Quebec, or in England, or elsewhere, as to them may seem most proper, of the Stockholders of the said Company, for the purpose of proceeding to the election of five Directors as hereinbefore mentioned, by giving notice of said meeting and of the time and place of holding thereof in the same manner as is provided for calling meetings in the next following section, and such election shall then and there be made by a majority of the shares voted upon in manner hereinafter prescribed, and the persons then and there chosen shall be Directors of the Company, and shall continue in office until the first Monday in August, in the year one thousand eight hundred and fifty-four, or until such time as their successors shall be elected: Provided always, that this Act shall not go into operation until a like amount of Thirty Thousand Pounds sterling shall have been paid in, and a certificate thereof to the satisfaction of the Governor shall have been deposited in the Office of the Provincial Secretary that such payment has been *bonâ fide* made, and the said amount deposited.

Notice.

Term of office of Directors. Proviso.

Annual General Meetings.

VII. And be it enacted, That the Annual General Meeting of the Stockholders for the election of Directors, and for the transaction of such other business as may be brought before them, shall be held on the first Monday of the month of August in each

each and every year, not being a Holiday, and then on the next following day not being a Holiday, except as to the first meeting of the Stockholders as provided for by the next preceding Section, in such place in this Province, in England, or elsewhere, as may be appointed by the Directors from time to time, and public notice shall be given by the said Directors in the *Canada Gazette* and in such other newspapers, in England and this Province, as the Directors may appoint, of the time and place of such meeting, not less than sixty days previous to such meeting. The said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in person or by proxy; such election shall be made by ballot, and the five persons duly qualified having the greatest number of votes shall be Directors; and if it should happen at any election that two or more persons have an equal number of votes, a second ballot shall be had to ascertain which of the persons so having an equal number of votes shall be the Director or Directors, so as to complete the number of five; and the said Directors shall, as soon as may be after their election, proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation or disqualification, such vacancy or vacancies shall be filled for the remainder of the year in which such shall happen, by a person or persons duly qualified, to be nominated by a majority of the said Directors.

Election of Directors by Ballot.

Ties.

President.

Vacancies how filled up.

VIII. And be it enacted, That if it shall happen at any time or times hereafter that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner and upon such notice as shall be provided by the By-laws of the Company; and until such election of new Directors, those who may be in office for the time being, shall be and continue to exercise all the rights and powers of Directors until such new election be made.

Provision in case of failure of Election.

IX. And be it enacted, That the Directors of the said Company shall have full power and authority to make Bills of Exchange and Promissory notes, and to make, prescribe, alter, amend, repeal and re-enact all such By-laws, Rules and Regulations as shall appear to them proper and needful, touching the well ordering of the Company, the acquirement, management, and disposition of its stock, property, estate and effects, and of its affairs and business, and may generally deal with, treat, purchase, lease or sell any lands and tenements necessary for the purposes of the said Company under this Act, and any property and effects for and on behalf of the said Company, and may let, release, mortgage and dispose of and exercise all acts of ownership over the same, but for such purposes a majority of the

Powers of Directors.

the whole body of Directors shall be present in person or by proxy, and assisting at the meeting or meetings at which said business shall be transacted; and from time to time to provide for the issuing of Stock certificates, the transfer of shares, the declaration and payment of profits of the said Company, and dividends in respect thereof,—the appointment, removal and remuneration of all such managers, agents, officers, clerks or servants of the said Company, as they shall deem necessary for carrying on the business of the Company,—the calling of General, Special, or other Meetings of the said Company or of the Directors thereof, and the business to be transacted thereat respectively,—the making and entering into Deeds, Bills, Bonds, Notes, Agreements, Contracts, or other documents and engagements, whether under the seal of the Company or not, and also in respect to the dissolution and winding up of the Company, and in general to do all things whatsoever that may be necessary or requisite to carry out the objects of the Company, and the exercise of any other powers incident to the said Company by virtue of their incorporation by this Act.

Directors may act by Proxy.

X. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and the proxy shall be in such form as the Directors shall direct and appoint: Provided that no Director shall hold more than two proxies.

Proviso.

By-laws to be binding until repealed.

XI. And be it enacted, That all such By-laws, Rules and Regulations made by the Directors for the time being, shall be valid and have effect in the same way as if the same had been contained and enacted in this Act, until the same shall be altered or repealed by said Directors or by the majority of the Shareholders present, in person or by proxy, voting at an Annual or Special or General Meeting, to whom power is hereby given to alter or repeal the same.

Evidence of By-laws.

XII. And be it enacted, That a copy of all such By-laws as aforesaid, or of any one or more of them, sealed with the Seal of the Company and signed by the Secretary or by two of the Directors, shall be *prima facie* evidence in all Courts of Law or Equity of such By-law or By-laws, and that the same were or was duly made and are or is in force; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, or any other person or persons whomsoever, it shall not be necessary to give any evidence to prove the Seal of the Company, and all documents purporting to be sealed with the Seal of the Company, shall be taken to have been duly sealed with the Seal of the Company without further proof than their production.

Seal need not be proved.

One vote for each share.

XIII. And be it enacted, That each Stockholder shall be entitled to a number of votes equal to the number of shares which

which he shall have held in his own name at least three months prior to the time of voting.

XIV. And be it enacted, That the Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Company, shall from time to time be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts.

XV. And be it enacted, That except in so far as it is herein otherwise provided for, all transactions, questions and matters to be determined at any General, Special or other Meeting of the Company, or at any meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or Directors, as the case may be, present at such meeting, either in person or by proxy, and in case of an equality of votes at any such meeting, the Chairman of such meeting shall have a casting vote, and a majority of the whole number of Directors shall form a *quorum* for the transaction of business, and a majority of such *quorum* shall decide.

Majority to decide questions.
Casting vote.

XVI. And be it enacted, That the Directors of the said Company may appoint one or more agents in this Province, or in the United Kingdom, and for such time and on such terms as to them shall seem expedient; and the Directors may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent by virtue of the powers in him vested by such By-laws, shall be valid and effectual to all intents and purposes, as if done by the Directors themselves, and as such shall bind the Company; any thing in this Act to the contrary notwithstanding.

Directors may appoint agents: Powers of agents.

XVII. And be it enacted, That acts done by any person or persons acting as Directors or Director, shall, notwithstanding there may have been some defect in the appointment of any such persons or person, or that they, or any of them, were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director, and shall bind the Company and every person interested in said act or acts.

Acts of Directors valid notwithstanding defect in Election, &c.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the Company may be a party, in Lower Canada, recourse shall be had to the Rules

Law of evidence in actions in L. C.
Rules

Rules of evidence laid down in the laws of England, as recognized by the Courts in Lower Canada in commercial cases, except as regards actions for real estate, or incidental thereto, in Lower Canada, in which case the laws of Lower Canada shall prevail: Provided always, that no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder; and further provided, that the service of all Writs, process and legal proceedings at the Office of the said Company at the said Works shall be and be held to be legal service upon the said Company.

Contracts, &c. made by Directors, Agents, &c., on behalf of Company, to be valid. XIX. And be it enacted, That every contract, agreement, engagement or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every Promissory Note made or endorsed, and every Bill of Exchange drawn, accepted or endorsed by such Director or Directors, or by any officer on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, and in pursuance of the same or any of them, shall be binding upon the said Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, Promissory Note, or Bill of Exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-law or By-laws of the Company; nor shall the party entering into, making or doing the same as Director or agent be thereby subjected individually to any liability whatsoever: Provided always, that nothing in this Act shall be construed to authorize the said Company to issue any Promissory Note for a less sum than Twenty-five Pounds, or payable to bearer or intended to be circulated as money, or as the Note of a Bank.

Seal not requisite. XX. And be it enacted, That the Shareholders in the said Company shall not, as such, be held personally liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount paid by them respectively on their Stock, and such part of the said Stock as may remain unpaid.

Limitation of liability of Shareholders. XXI. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of the Crown, &c., saved. XXII. And be it enacted, That this Act shall be a Public Act, and shall be subject to the provisions contained in the Interpretation Act, which shall be held to form part thereof so far as the same shall apply.

CAP. CCLIII

An Act to amend the Act of Upper Canada, incorporating
The Marmora Foundry Company.

[Assented to 14th June, 1853.]

WHEREAS the Marmora Foundry Company were incorporated by an Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate certain persons under the style and title of the Marmora Foundry Company*, for certain purposes therein mentioned; And whereas the said Company have been hitherto unable to profitably carry out the objects contemplated by the said Act; And whereas the said Company by virtue of the powers contained in said Act have by their duly authorized agent in England agreed to sell and depart with all their real estate, and other the interests of said Company; And whereas Alexander Tilloch Galt, of Montreal, Esquire, Alexander Simpson, of Montreal, Esquire, the Honorable Peter McGill, of Montreal, William Rhodes, of Quebec, Esquire, William C. Evans, of Montreal, Esquire, Robert Gillespie, the younger, of London, Esquire, Edward Burstall, of Quebec, Esquire, W. A. Mathews, Mayor of Sheffield, England, Esquire, and James B. Green-shields, of Montreal, Esquire, have become interested therein, and it is desirable to amend the Act incorporating said Company, for the purpose of empowering the said parties and such persons as may hereafter become interested with them and their successors, in, by and under the name of *The Marmora Foundry Company*, with enlarged capital to carry on extensively the manufacture of iron and steel, and other works connected with the manufacture of articles from ores, metals and minerals which may at any time become the property of said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act cited in the Preamble to this Act, excepting so far as may be necessary on the part of the present Directors, or on the part of the said Company, to carry out the said agreement of sale, and other the provisions hereinafter contained on their behalf to be done and executed, shall be and is hereby repealed, and the several clauses following substituted therefor.

Preamble.

Act of U. C.
1 W. 4, c. 11.The said Act
repealed with
certain ex-
ceptions.

II. And be it enacted, That the said A. T. Galt, Alexander Simpson, the Honorable Peter McGill, William Rhodes, Robert Gillespie, the younger, William C. Evans, Edward Burstall,
Company in-
corporated.
W.

Corporate name.

General powers of Company.

W. A. Mathews, and James B. Greenshields, and all such persons as shall hereafter become Shareholders in the said Company to be formed under this Act, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the said name of *The Marmora Foundry Company*, and by that name they and their successors shall in law and equity be capable, from time to time, of purchasing and taking, leasing, having and holding to them and their successors any estate, real or personal or mixed, of every description, belonging to or used by the said Marmora Foundry Company under the said Act, or which may be necessary for the use of the Company hereby incorporated, to and for the use of said Company, and from time to time of letting, conveying or otherwise departing therewith, or any part thereof, for the benefit and on account of the said Company, as the Directors shall deem necessary and expedient.

Capital Shares.

III. And be it enacted, That the Capital Stock of the said Company shall be Eighty Thousand Pounds sterling, to be divided into forty thousand shares of Two Pounds sterling each.

Books of subscription to be opened.

IV. And be it enacted, That it shall be lawful for the Directors hereinafter named to open or cause to be opened Stock Books for the subscription of parties desiring to become Shareholders in the Capital Stock of the said Company, in as many and in such places in this Province and in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit; and that any person may become a Shareholder in the said Company, whether resident in this Province, in the United Kingdom of Great Britain and Ireland, or elsewhere; Provided always, that no subscription in the said Stock Books shall create the party or parties so subscribing a Shareholder or Shareholders in the said Company, without and until full payment shall be made by him to the person or persons authorized by the Directors to receive the same of the amount of the shares so subscribed for, and until the issue of Stock Certificates by the proper officer or officers of the said Company for the number of shares so paid for, in the manner and form and as shall be prescribed by the said Directors.

Proviso: Mere subscription not to make a member.

Shares to be personal, and how transferable.

V. And be it enacted, That the Shares in the Capital Stock of said Company shall be personal property, and may be sold and disposed of by the holders thereof respectively, and shall be transferable in such way as the Directors shall from time to time determine or appoint.

Seven Directors.

VI. And be it enacted, That the business and affairs of the said Company shall be conducted and managed at Marmora in the County of Hastings in Upper Canada, and its powers exercised by seven Directors, who shall be severally Shareholders to the amount of Five Hundred Pounds sterling of the

the said Stock, and shall be elected in manner hereinafter described by the Shareholders present in person or by proxy, and which Directors from the passing of this Act, and until the General Meeting hereinafter mentioned, shall be the Honorable Peter McGill, and Alexander Tilloch Galt, William Rhodes, Alexander Gillespie, the younger, James B. Greenshields, Edward Burstall, and William C. Evans, Esquires, which said provisional Directors shall not be required to hold stock in the said Company unless elected as provided in this Act.

First Directors named.

Need not be qualified.

VII. And be it enacted, That as soon as Stock to the amount of Thirty Thousand Pounds sterling shall have been subscribed, it shall and may be lawful for the Directors hereinbefore named, to call a meeting in some place, either in the City of Montreal or in England, or elsewhere, as to them may seem most proper, of the Stockholders of the said Company, for the purpose of proceeding to the election of seven Directors as hereinbefore mentioned, by giving notice of said meeting, and of the time and place of holding thereof, in the same manner as is provided for calling meetings in the next following section, and such election shall then and there be made, by a majority of the shares voted upon in manner hereinafter prescribed, and the persons then and there chosen shall be Directors of the Company, and shall continue in office until the first Monday in August next succeeding their election, unless such election shall take place in the month of June or July, one thousand eight hundred and fifty-three, in which case such Directors so chosen shall continue in office until the first Monday in August, in the year one thousand eight hundred and fifty-four, or until such time as their successors shall be elected: Provided always that this Act shall not go into operation until a like amount of Thirty Thousand Pounds Sterling shall have been paid in, and a certificate thereof to the satisfaction of the Governor shall have been deposited in the Office of the Provincial Secretary.

First General Meeting and Election of Directors.

Term of office of Directors.

Proviso.

VIII. And be it enacted, That the Annual General Meeting of the Stockholders for the election of Directors and for the transaction of such other business as may be brought before them, shall be held on the first Monday of the month of August in each and every year, not being a holiday, and then on the next following day, not being such holiday, except as to the first meeting of the Stockholders as provided for by the next preceding Section, in such place in this Province, in England, or elsewhere, as may be appointed by the Directors from time to time, and public notice shall be given by the said Directors in the *Canada Gazette* and in such other newspapers in England and this Province as the Directors may appoint, of the time and place of such meeting, not less than sixty days previous to such meeting; the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in person or by proxy; such election shall be made

Annual General Meetings, and Election of Directors.

Ties. made by ballot, and the seven persons duly qualified having the greatest number of votes shall be Directors; and if it should happen at any election that two or more persons have an equal number of votes, a second ballot shall be had to ascertain which of the persons so having an equal number of votes, shall be the Director or Directors, so as to complete the number of seven; and the said Directors shall, as soon as may be after their election, proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation or disqualification, such vacancy or vacancies shall be filled for the remainder of the year in which such shall happen, by a person or persons duly qualified, to be nominated by a majority of the said Directors.

President.

Vacancies how to be filled up.

Provision in case of failure of Election of Directors.

IX. And be it enacted, That if it shall happen at any time or times hereafter that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner and upon such notice as shall be provided by the By-laws of the Company; and until such election of new Directors, those who may be in office for the time being, shall be and continue to exercise all the rights and powers of Directors until such new election be made.

Powers of Directors.

X. And be it enacted, That the Directors of the said Company shall have full power and authority to make Bills of Exchange and Promissory Notes, and to make, prescribe, alter, amend, repeal and re-enact all such By-laws, Rules and Regulations as shall appear to them proper and needful, touching the well ordering of the Company, the calling of General and Special Meetings, the acquirement, management and disposition of its Stock, property, estate and effects and of its affairs and business, and may generally deal with, treat, purchase, lease or sell any lands and tenements, necessary for the purposes of the said Company under this Act, and any property and effects for and on behalf of the said Company, and may let, release, mortgage and dispose of and exercise all acts of ownership over the same, but for such purposes a majority of the whole body of Directors shall be present in person or by proxy, and assisting at the meeting or meetings at which said business shall be transacted; and from time to time to provide for the issuing of Stock certificates, the transfer of shares, the declaration and payment of profits of the said Company, and dividends in respect thereof,—the appointment, removal and remuneration of all such managers, agents, officers, clerks or servants of the said Company, as they shall deem necessary for carrying on the business of the Company,—the calling of General, Special, or other Meetings of the said Company or of the Directors thereof, and the business to be transacted thereat respectively,—

respectively,—the making and entering into Deeds, Bills, Bonds, Notes, Agreements, Contracts and other documents and engagements, whether under the seal of the Company or not, and also in respect to the dissolution and winding up of the Company, and in general to do all things whatsoever that may be necessary or requisite to carry out the objects of the Company, and the exercise of any other powers incident to the said Company by virtue of their incorporation by this Act.

XI. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and the proxy shall be in such form as the Directors shall direct and appoint: Provided that no Director shall hold more than two proxies. Directors may act by proxy.

XII. And be it enacted, That all such By-laws, Rules and Regulations made by the Directors for the time being, shall be valid and have effect in the same way as if the same had been contained and enacted in this Act, until the same are altered or repealed by said Directors or by the majority of the Shareholders present, in person or by proxy, voting at an Annual or Special or General Meeting, to whom power is hereby given to alter or repeal the same. By-laws to be binding until repealed.

XIII. And be it enacted, That a copy of all such By-laws as aforesaid, or of any one or more of them, sealed with the Seal of the Company and signed by the Secretary or by one or more of the Directors, shall be *prima facie* evidence in all Courts of Law or Equity of such By-law or By-laws, and that the same were or was duly made and are or is in force; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, or any other person or persons whomsoever, it shall not be necessary to give any evidence to prove the Seal of the Company, and all documents purporting to be sealed with the Seal of the Company, shall be taken to have been duly sealed with the Seal of the Company, without further proof than their production. Proof of By-laws. Seal need not be proved.

XIV. And be it enacted, That each Stockholder shall be entitled to a number of votes equal to the number of shares which he shall have held in his own name at least three months prior to the time of voting (except at the first election after the passing of this Act.) One vote for each share.

XV. And be it enacted, That the Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Company, shall from time to time be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then Company not bound to see to trusts.

then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Questions to be determined by majority of votes.

XVI. And be it enacted, That except in so far as it is herein otherwise provided for, all transactions, questions and matters to be determined at any General, Special or other Meeting of the Company, or at any meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or Directors, as the case may be, present at such meeting, either in person or by proxy, and in case of an equality of votes at any such meeting, the Chairman of such meeting shall have a casting vote, and a majority of the whole number of Directors shall form a quorum for the transaction of business, and a majority of such quorum shall decide.

Directors may appoint agents.

Powers of such Agents.

XVII. And be it enacted, That the Directors of the said Company may appoint one or more agents in this Province, or in the United Kingdom, and for such time and on such terms as to them shall seem expedient; and the Directors may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent by virtue of the powers in him vested by such By-laws, shall be valid and effectual to all intents and purposes, as if done by the Directors themselves, and as such shall bind the Company; any thing in this Act to the contrary notwithstanding.

Acts of Directors valid notwithstanding defect in Election.

XVIII. And be it enacted, That acts done by any person or persons acting as Directors or Director; shall, notwithstanding there may have been some defect in the appointment of any such persons or person, or that they, or any of them, were disqualified, be as valid as if every such persons or person had been duly appointed and was qualified to be a Director, and shall bind the Company and every person interested in said act or acts.

Rule of evidence in actions in L. C.

Provide.

XIX. And be it enacted, That in all actions or suits at law by or against the Company, or to which the Company may be a party, in Lower Canada, recourse shall be had to the Rules of Evidence laid down in the laws of England, as recognized by the Courts in Lower Canada in commercial cases, except as regards actions for real estate, or incidental thereto, in Lower Canada, in which case the laws of Lower Canada shall prevail: Provided always, that no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

XX. And be it enacted, That every contract, agreement, engagement or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every Promissory Note made or endorsed, and every Bill of Exchange drawn, accepted or endorsed by such Director or Directors, or by any officer on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, and in pursuance of the same or any of them, shall be binding upon the said Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, Promissory Note or Bill of Exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-law or By-laws of the Company; nor shall the party entering into, making or doing the same as Director or agent be thereby subjected individually to any liability whatsoever: Provided always, that nothing in this Act shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or for a less sum than Twenty-five Pounds, or intended to be circulated as money, or as the Note of a Bank.

Contracts, &c., made by Directors or Agents to be valid.

Seal not requisite.

Proviso.

XXI. And be it enacted, That the Shareholders in the said Company shall not, as such, be held personally liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount paid by them respectively on their Stock, and any amount thereof remaining to be paid.

Limitation of liability of Shareholders.

XXII. And be it enacted, That all and every deed or deeds of conveyance made or which shall hereafter be made in the name of the said *The Marmora Foundry Company*, so incorporated by the said Act in the Preamble to this Act mentioned by the President of the said Company, in office just before and at the passing of this Act, under the Seal of the said Company, and signed in the name of the said Company by the said President, with the concurrence of a majority of the Directors of the said Company so incorporated as aforesaid, in office immediately before the passing of this Act, in pursuance of the said agreement of sale in the said Preamble mentioned, and in accordance therewith, shall convey and fully vest in the grantee or grantees in the said deed or deeds named, all the rights, interests, powers and property in the said agreement and in said deed or deeds mentioned and described and agreed to be conveyed by the said Company as mentioned in said agreement, and the said deed or deeds of conveyance. And said deed or deeds of conveyance shall in all Courts of Law or Equity be taken to be the deed or deeds of the said Company in this Clause mentioned, and as such binding and conclusive on the said Company, and on all parties interested therein, notwithstanding

Deeds of conveyance from former Company to this Company to be valid, and binding on both Companies.

notwithstanding the repealing of the Clauses of the said Act above mentioned, or any thing in the said repealed Act contained.

Directors of former Company may receive purchase money, securities, &c.

XXIII. And be it enacted, That the Directors of the said Company incorporated as aforesaid under the said Act in the Preamble mentioned, shall, for the purpose of winding up the affairs of the said Company, be empowered, and they are hereby empowered to receive and take the purchase money to be paid on such sale, and in the name of said Company, take, receive and collect the securities which shall be given to secure the payment of any part of the said purchase money under and in pursuance of said agreement of sale, and grant discharges therefor, and that they shall carry out the said agreement in all respects, for the following purposes, that is to say :

Application of purchase money.

First. Out of the said purchase money to pay all the debts due by the said original Company, and the expense attending the winding up the said Company; and afterwards to divide the balance of said purchase money amongst the original Stockholders in the said Company of which they were Directors as aforesaid at the time of the passing of this Act, who had paid up the whole or some part of the calls upon their Stock in said original Company, such division to be made rateably upon and according to the sum actually paid by each Shareholder respectively, upon his or her Stock.

And if such purchase money is paid by instalments.

Second. And in case the said purchase money is paid by Instalments, according to conditions contained in said agreement, to take and receive such money as is or shall be paid, and take and receive, in the name of the said Company, the securities for the balance of the said purchase money according to the terms of the said agreement of sale and in accordance therewith, and to collect the same, in the name of said Company, and as collected, to divide the same after first paying out thereof as above provided in the manner above mentioned, in case the whole purchase money is paid at once.

Corporate powers of former Company continued in Directors thereof for certain purposes.

XXIV. And be it enacted by the authority aforesaid, That all the corporate powers of the said Company incorporated by the said Act in the Preamble mentioned, shall continue in the Directors elected at the last General Meeting of the said Company, so far as is necessary to make valid and binding on the Stockholders in said original Company their acts in winding up the affairs of the said Company, and in conveying the property thereof, and in all respects carrying out said agreement of sale, and that they shall exercise said powers until the said trusts are completed, the said property conveyed, the money received thereon, the liabilities of the Company paid, and the claims due said Company collected, and the affairs thereof wholly wound up and closed, and the division
made

made as above mentioned, and that immediately upon the same being done, and upon the last dividend being declared and paid over, the said powers shall cease and end, and said winding up shall be final upon all interested therein, and the said Directors shall be freed and for ever discharged of and from all liability in respect thereof: Provided always, that the said Directors shall with all convenient and possible despatch have the said business wound up, the dividends declared, and the business of the Company finally completed as aforesaid. Proviso.

XXV. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act. Rights of the Crown, &c. saved.

XXVI. And be it enacted, That this Act shall be a Public Act, and shall be subject to the provisions contained in the Interpretation Act, which shall be held to form part thereof so far as the same shall apply. Public Act, &c.

C A P . C C L I V .

An Act to amend the Act incorporating the Upper Canada Mining Company.

[Assented to 14th June, 1853.]

WHEREAS the President and Directors of the Upper Canada Mining Company have, by their Petition, prayed that they may have power to increase the number of shares in the Stock of the said Company from eighty thousand to one hundred and sixty thousand shares; and it is inexpedient to grant such power inasmuch as by the Act incorporating the said company sufficient power in that respect is vested in the shareholders, in the manner therein stated; And whereas it is expedient to enable the shareholders to require General Meetings of the Company to be called and held by the Directors for the purposes of the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing contained in the Act of incorporation of the said Upper Canada Mining Company, it shall and may be lawful for any number of shareholders of the said Company holding not less than five thousand shares therein, by notice in writing to the Directors for the time being of

Preamble.

The Company have already power to increase their stock.

A certain number of Shareholders may require a General Meeting to be held, which shall

have all the powers vested in General Meetings by the Act of incorporation.

of the said Company, to require General Meetings of the said Company to be held at the place for holding General Meetings of the said Company ; which General Meetings shall be called as aforesaid by the Directors within not less than three weeks after the date of such notice, and failing such call by the said Directors within such time, publication of such notice by the said applicant shareholders in the *Canada Gazette* for three weeks, and in a newspaper published in English in each of the Cities of Toronto and Montreal for the same period, shall suffice to legalize such meeting to be called in manner aforesaid, and the shareholders present in person or by proxy at such meeting to be called as aforesaid after such notice, shall have all and every the powers and authority which may be exercised at the General Meetings authorized to be held under the provisions of the said Act, subject however to the limitations and conditions in the said Act of incorporation mentioned with reference to the said General Meetings; Provided always, that if such meeting be not held on the day appointed therefor in the advertisement published for that purpose, it shall be lawful for the shareholders then present to adjourn the said meeting to such other day as they may determine, and the acts and proceedings of such adjourned meeting shall be as lawful as if the same had been had on the said day published therefor.

Proviso: the Shareholders present may adjourn the Meeting.

C A P . C C L V .

An Act to authorize the formation of a Company to be called *The Paris Hydraulic Company.*

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the erection of a dam for hydraulic purposes across the Grand River, in that part of the village of Paris, situated in the first concession of the township of Brantford, in the County of Brant, would greatly promote trade, commerce and private enterprise in that part of the Province ; And whereas John Smith and Robert Rosebrugh have procured in fee simple and right of way, a sufficient amount of land on the west side of the said river for head and tail races, together with suitable sites for the erection of machinery ; And whereas considerable sums of money have been expended in the formation of such head and tail races ; And whereas the said John Smith and Robert Rosebrugh, with Henry John Greenstreet, Hugh Finlayson, and Robert McCosh have prayed for an Act of incorporation for the purposes aforesaid : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby

hereby enacted by the authority of the same, That the said John Smith, Robert Rosebrugh, Henry John Greenstreet, Hugh Finlayson and Robert McCosh, together with all such other persons as shall hereafter become Stockholders in the Company established by this Act, shall be and are hereby constituted and declared to be a body corporate by the name and style of "The Paris Hydraulic Company," and also that they and their successors by the said name, shall be in law capable of having and holding by purchase or gift to them and their successors any estate, real or personal, to and for the use of the said Company, and of letting, selling, conveying or otherwise disposing of any part or parts thereof, for the benefit of and on account of the said Company, as the Directors of the said Company may from time to time deem necessary or expedient.

The petitioners and others incorporated.

Corporate name and general powers.

II. And be it enacted, That it shall and may be lawful for the said Company to construct and build a dam across the Grand River, in the first concession of the Township of Brantford, and County of Brant, and opposite the lands in fee simple and right of way acquired as aforesaid, with all necessary moles, piers and abutments, on and against the banks of both sides of the Grand River for securing such dam, and to construct a wing dam thereto, and to cut a Canal or Canals on the westerly side of the said river for head and tail races, for the purpose of leading the water from the said river for hydraulic purposes, and from time to time to alter, amend and repair the said dam, moles, piers and abutments, and from time to time within the limits aforesaid, to alter, widen, deepen, improve and repair the said head and tail races, as to the said Company shall seem necessary, and also from time to time to do such other acts or things as may be necessary for the erection, completion, maintenance, regulation and protection of the said works according to the true intent and meaning of this Act, and such dam, water and works shall be deemed to be the property of the said Company: Provided always, that such dam shall be constructed with suitable inclined planes or slides, of not less than thirty feet in width for the passage of rafts, and the said Company shall keep and maintain such slides in efficient repair: Provided that nothing herein contained shall authorize the said Company to overflow by the construction of such dam, any land or to destroy any mill privilege on such River, or to use the Banks of such River for the purpose of constructing such dam, without the consent of the owner or owners of the property to be affected thereby.

Company may dam the Grand River at a certain place, and construct hydraulic works.

Proviso: for slides.

Proviso: not to injure other property.

III. And be it enacted, That the stock, property and works of the Company, shall be managed by five Directors, (three of whom shall be a quorum,) to be annually elected by the Stockholders, and such five Directors shall elect one of their number to be President of the said Company; and at all elections of Directors each Stockholder shall be entitled to one vote for each share held by him or her, and such Stockholders may vote

Affairs to be managed by five Directors.

Proviso. by proxy: Provided that no person shall be eligible as a Director of the said Company, unless he be a holder in his own right of at least five shares of the stock of the said Company, nor unless he shall have paid all calls that may have been made and shall be due on his shares at the time of such election:

Proviso. Provided also, that the said John Smith, Robert Rosebrugh, Henry John Greenstreet, Hugh Finlayson and Robert McCosh, shall be Directors of the said Company, until the first election.

Capital. IV. And be it enacted, That the Capital Stock of the Company shall not exceed Three Thousand Pounds, and such stock

Shares. shall be divided into shares of Five Pounds each, and Five Shillings on each share shall be payable at the time of subscribing, and the remainder at such time or times as the Directors from time to time may direct.

Subscription Books. V. And be it enacted, That from and after the passing of this Act, the Directors may cause subscription books for stock to be opened, of which ten days' public notice shall be given of the time and place, which said books shall remain open for subscription for a period of not less than ten days, and so soon as Two Thousand Pounds, or more of the Capital Stock, shall have been subscribed, and of which amount ten per cent shall have been paid in, the Directors shall call a meeting of Stockholders for the purpose of electing Directors, who shall hold office for one year from the date of such election, of which election ten days' notice shall be given: Provided always, that no Shareholder shall subscribe for more than fifty shares, until after the expiration of the said ten days during which the said books shall remain open as aforesaid.

First General Meeting.

Proviso.

Company may exercise certain powers after first Election of Directors, and may construct their works. VI. And be it enacted, That so soon as Directors shall have been elected, as provided for in the preceding section, it shall be lawful for the said Company, their successors and assigns, to proceed with the said works, and to take, (subject to the restrictions and limitations hereinafter provided,) occupy, possess and hold, for the uses and purposes aforesaid, the lands, premises and rights of way necessary for the said dam, moles, piers, abutments, head and tail races, and sites for the erection of mills, factories and machinery of any kind soever, with necessary and convenient roads, streets, ways and approaches to the same, and to receive and hold titles for the same or any of them, and such lands as may, by reason of the said dam, be overflowed and which may be adjacent to the said river: Provided always, that the said Company shall not take, occupy or possess, for any of the uses and purposes aforesaid, any private premises, right of way or easement, without the consent in writing of the owner or owners thereof.

Proviso: no property to be taken without consent of owner.

Forfeiture of stock for non- VII. And be it enacted, That if any Stockholder or Stockholders shall neglect or refuse to pay any of the calls which shall have been made as aforesaid, on his or her shares at the time

time or times appointed by the said Directors, the Directors may either sue such Stockholder or Stockholders in any Court having jurisdiction, for the amount of such call so due by such Stockholder or Stockholders, or forfeit the stock held by such Stockholder or Stockholders, together with the payments which may have been previously made on such stock : Provided always, that such calls remaining unpaid shall have been due for the space of three months after personal demand for such call or calls in arrear, or after such call shall have been published six weeks in a newspaper, printed in the village of Paris.

payment of calls.

Proviso.

VIII. And be it enacted, That the Directors shall have power to make By-laws for the management of all the affairs of the Company, and may from time to time, alter and amend the same, and a copy of any such By-law, certified by the Secretary or other officer having charge of the same, and having the seal of the company affixed to it, shall be *prima facie* evidence of the contents of such By-law in Courts of law and equity, and every such Secretary or other officer shall furnish such certified copy when required by any person, on payment of Six Pence for every one hundred words.

Directors may make By-laws.

Proof of By-laws : copies.

IX. And be it enacted, That the Directors may rent, lease, sell or otherwise dispose of the whole of the water power, lands, works and fixtures of the Company, or a part or parts of the same, or of one or more of them, to any person or persons, body or bodies corporate, on such terms and conditions of payment and rules and regulations for the using and occupying the same and keeping the dam and works in repair as may be agreed upon : Provided that such agreement shall not be inconsistent with the terms of this Act.

Power to sell, lease or dispose otherwise of water power.

Proviso.

X. And be it enacted, That the Stockholders severally shall be liable for the debts of the Company to the amount of so much of their respective shares as shall be then unpaid.

Limited liability of Shareholders.

XI. And be it enacted, That the stock of the Company shall be deemed personal estate, and may be transferable in such manner and on such terms as shall be provided by any By-law of the said Company.

Stock to be personalty and how transferable.

XII. And be it enacted, That the Directors may declare dividends out of the sales, profits and income of the property of the said Company : Provided always, that no declaration of dividends shall be such as to render the Company insolvent or impair its ability to pay its liabilities : And provided further, that if the said Directors shall pay any dividend when the Company is insolvent, or any dividend which would render it insolvent, they shall be jointly and severally liable for all the debts of the Company then existing, and for all that shall be thereafter contracted while they shall continue in office,

Dividends.

Proviso : not to impair capital.

Proviso : penalty on Directors, so impairing capital.

Not to interfere with Grand River Navigation Company.

XIII. And be it enacted, That nothing contained in this Act shall be construed to interfere with or affect any of the rights and privileges belonging to the Grand River Navigation Company, in so far as relates to the navigation of the said River, and the said Company, hereby to be incorporated, shall set apart and leave vacant a sufficient quantity of land for the site of a lock of the dimensions of those now used on the said Grand River, so as to admit of a vessel passing from the lower to the upper level.

Public Act.

XIV. And be it enacted, That this Act shall be deemed a Public Act.

C A P. C C L V I.

An Act to enable the Directors of *The Grand River Navigation Company* to place the said Navigation under the control and management of the Provincial Government, under certain conditions.

[Assented to 14th June, 1853.]

Preamble.

Act of U. C.
2 W. 4, c. 13.

WHEREAS the Directors of *The Grand River Navigation Company*, incorporated by the Act of the Parliament of Upper Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River*, have prayed that the said Navigation and the works therewith connected be placed under the control and management of the Provincial Government, in the manner hereinafter mentioned; And whereas it would be greatly for the benefit of the said Company, and of the inhabitants of the several Municipalities in the vicinity of the said works, if the said Navigation should be completed and open to public use, under the supervision of the Provincial Government: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Directors of the said Grand River Navigation Company, or any three or more of them, to call a meeting of the Stockholders of the said Company, to be held at Brantford at any time not less than one month nor more than twelve months after the passing of this Act, such meeting to be called by advertisement to be inserted by the Directors calling the same, in two or more newspapers published weekly in the Counties of Brant and Haldimand, the first insertion thereof being at least twenty days before the day appointed for the

Directors to call Meeting of Stockholders.

Notice.

the meeting, and the said advertisement being inserted in each such newspaper on at least two different days of publication.

II. And be it enacted, That at the said meeting some one of the Directors of the said Company shall preside, and if there be more than one such Director present, then one of the Directors appointed by the Governor to act on behalf of the Six Nation Indians, shall preside, or if no such Director be present, then such one of them as shall be called upon to preside, by a majority of votes of the Stockholders present at the commencement of the proceedings at such meeting, voting in the manner hereinafter mentioned; and at such meeting the question shall be put, whether the said Navigation and all the works therewith connected shall or shall not be placed under the control and management of the Government of this Province in the manner and subject to the conditions hereinafter mentioned; and upon such question the Stockholders and Proxies present shall vote in the manner provided by the Act incorporating the Company; Provided always, that inasmuch as three fourths of the Stock of the Company is held in trust for the benefit of the Six Nation Indians, the decision so come to by the said Shareholders, if in the affirmative, shall not be valid or binding until ratified and confirmed by the Governor as Trustee for the said Six Nation Indians, and the Director presiding at the said meeting of the Stockholders shall accordingly forthwith after such meeting, communicate the decision of the Stockholders thereat to the Governor through the Secretary of the Province.

Who shall preside at such Meeting.

Question to be decided thereat.

Proviso: Decision not binding until confirmed by Governor as Trustee for six Nation Indians.

III. And be it enacted, That if the decision of the Stockholders shall be so ratified and confirmed by the Governor, the Secretary of the Province shall forthwith notify such ratification and confirmation to the Director presiding at such meeting, who shall thereupon communicate the decision of the Stockholders to place the said Navigation and Works under the control and management of the Provincial Government, and the ratification and confirmation of such decision by the Governor, to the Wardens of the Counties of Brant and Haldimand, and thereupon it shall be lawful for the County Councils of the said Counties and for the several Municipalities within such Counties, respectively, and for each of them, by a By-law or By-laws to be passed for that purpose, under and subject to the provisions of the Act passed during the present Session, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, to authorize any sum of money not exceeding One Hundred and Fifty Thousand Pounds to be raised on the credit of the *Consolidated Municipal Loan Fund of Upper Canada*, and to any such Loan all the provisions of the Act last aforesaid shall apply, except in so far only as shall be inconsistent with the express provisions of this Act.

Notice to Wardens of Brant and Haldimand if the decision be confirmed.

The said Counties and the Municipalities therein may borrow £150,000 under 16 V. c. 22.

IV. And be it enacted, That when and so soon as a By-law or By-laws shall have been passed by the said Municipal Councils,

When the said sum is so

raised and declared sufficient, a Proclamation may issue, vesting the said Works, &c. in the Crown.

Powers of Commissioner of Public Works. Proviso: Tolls limited.

Moneys raised as aforesaid to be applied to improve the said Navigation.

Proviso: No Public money to be used.

Proviso: Debts of said Company to be paid, &c.

To what purposes the Tolls and in-

Councils, or any of them, and approved by the Governor in Council, authorizing the raising of any sum or sums not exceeding in the aggregate the said sum of One Hundred and Fifty Thousand Pounds, then, if the Governor in Council shall consider such sum sufficient to complete the works in the manner hereinafter mentioned, and to pay the liabilities of the said Grand River Navigation Company, and that such sum ought to be raised under such By-laws for the said purposes, it shall be lawful for the Governor to issue a Proclamation under the Great Seal of the Province, declaring the same, and upon, from and after the day of the date of such Proclamation; the said Navigation and all the Works therewith connected belonging to the said Company, and all the rights and privileges of the said Company shall, by virtue of this Act, be vested in the Crown, for the objects and purposes herein mentioned, and the said Navigation and Works shall be under the control and management of the Commissioners of Public Works, subject to the orders and regulations to be made by the Governor in Council; and the said Commissioners and the Governor in Council shall also have the same powers with respect to them, as with respect to other Public Works: Provided always, that the tolls to be taken on the said Navigation and the Welland Canal from Brantford to Lake Ontario, shall never exceed those charged on the Welland Canal from Lake Erie to Lake Ontario, nor shall the tolls charged on the said Navigation and Canal from Brantford to Lake Erie exceed those charged on the said Welland Canal from Lake Ontario to Lake Erie.

V. And be it enacted, That the moneys to be raised by the Receiver General on the credit of the said "Consolidated Municipal Loan Fund," under any By-law or By-laws to be passed under the authority of this Act, shall be applied to the purpose of defraying the expenses to be incurred by the Commissioners of Public Works in carrying this Act into effect, and the said Commissioners shall improve and continue the said Navigation of the Grand River and other works which the said Company were authorized to construct and perform, from Cayuga to the Town of Brantford, so as to ensure a depth of water not less than four feet throughout the whole distance; Provided always, that nothing herein contained shall be construed to authorize the application of any public moneys of the Province to the purposes aforesaid; Provided also, that the moneys to be borrowed under the authority of this Act, shall be applied to pay the debts due by the said Grand River Navigation Company, and to complete the said Works and Navigation, and to no other purpose whatever; unless any part thereof may be required, in addition to the tolls and revenue arising from the said works, towards defraying the expenses of management.

VI. And be it enacted, That the tolls, revenue and income arising from the said Navigation and Works shall be applied:
1st. To defray the expenses of managing the said works, and

of making and repairing the said Navigation and Works, and of completing the same : *2ndly.* To the payment of the interest and principal of the Debentures to be issued under the authority of this Act, for raising such moneys as aforesaid : *3rdly.* To the payment of dividends to the Stockholders of the said Company in proportion to their respective Shares. come shall be applied.

VII. And be it enacted, That separate accounts shall be kept by the proper Officers, of the moneys received and expended under this Act, to the end that the rights of all parties under it may, at all times, be clearly ascertained. Separate accounts to be kept.

VIII. And be it enacted, That the owner or owners of any mill, store-house or other erection on the Grand River Navigation, who shall have impeded or may hereafter impede the free and full use of the said Navigation by any erections or works now made or which may hereafter be made on any lands owned by or that have been taken possession of by the said Company, shall make, at his or their expence, a good and substantial towing path around such erections or works, extending from the shore below to the shore above the said erections or works, such towing path to be not less than ten feet in width, and so made that horses may pass along the same with ease and convenience, and without its being necessary to remove the towing line, and such towing paths shall be made within six months after the passing of this Act. Owners of mills, &c. to make towing paths round them. Construction of tow path.

IX. And be it enacted, That the provisions of the foregoing Section shall apply to any bridge or other work which has been or may hereafter be made by any County, Township, Town or Village, Municipality or Incorporated Company. Preceding sect. to apply to Bridges, &c.

X. And be it enacted, That the owner or owners of any saw-logs, timber, planks or boards, whether single or in rafts, shall not allow the same to remain in the channel so as to impede the free and full use of the said Navigation, nor shall the owner of any saw-mill allow any slabs, saw-dust or other rubbish to escape from such saw-mill or other erection into the said Navigation ; Provided that in order the more effectually to prevent the same, the owner or owners of any such saw-mill or other erection, shall make tight floors in such saw-mills or erections, and such saw-dust or other rubbish, as it may accumulate in such saw-mills, shall be removed to the shore from time to time, by the owners or occupiers of such mills. Owners of saw logs, &c., not to impede navigation. Proviso.

XI. And be it enacted, That any person or persons contravening any of the provisions of the eighth and tenth Sections of this Act 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 such Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay Penalty for contravening s. 8 & 10, over and above damages.

a fine of not more than Fifty Shillings nor less than Five Shillings ; such damages and fine to be paid within a time to be limited by the said Justice, and in default thereof, the same shall be levied as next hereinafter is provided.

Levying
fines and for-
feitures, &c,

XII. And be it enacted, That 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 not be sufficient goods and chattels to satisfy such Warrant or Warrants, such offender or offenders shall and may be committed to the Common Gaol of the County for any period not exceeding one month.

Masters of
vessels to
make cer-
tain affidavits.

XIII. And be it enacted, That in all cases it shall be lawful for the Master or person in charge of a vessel using such Navigation, and he is hereby required, at any port or ports on the said Navigation at which such vessel shall enter, to make affidavit before the Collector of Customs, to the effect that the Bill of Lading of such vessel passing through the said Navigation, contains a true and correct statement of the cargo of such vessel : and any wilfully false affidavit to a Bill of Lading, shall be held to be wilful and corrupt perjury.

If the said
Municipalities
do not raise
the requisite
sum,

XIV. And be it enacted, That in the event of the said Municipalities not authorizing the raising of the said sum of One Hundred and Fifty Thousand Pounds or so much thereof as may be necessary for the purposes of this Act, it shall be lawful for the Stockholders of the said Grand River Navigation Company, at any meeting to be called for that purpose, by a majority of votes to be given as aforesaid, to authorize the Directors of the said Company to sell and transfer, or agree to sell and transfer, the said Navigation and all the property, rights and appurtenances belonging to the said Company to any Corporation, Municipality, individual or individuals associated together, on such terms as may be agreed upon by such meeting of Stockholders, and any such Corporation, Municipality, individual or number of individuals associated together, shall have power to make such purchase and take such transfer, either absolutely or by way of mortgage ; and such transfer, being executed by the majority of the Directors under the Corporate Seal of the Company, shall have the effect of vesting in the purchaser as aforesaid, all and every the rights, powers and privileges of the said Grand River Navigation Company ; Provided always, that it shall not be competent for the Directors to complete or execute any such sale or transfer until the Governor shall have confirmed and sanctioned the same.

Company
may sell their
works to any
Municipality,
&c.

Proviso :
Governor's
consent re-
quired.

Municipalities
may purchase
said Works.

XV. And be it enacted, That it shall be lawful for any Municipality or Municipalities of the Counties aforesaid, with the consent

consent of the Governor, to purchase the Stock now held by the Six Nation Indians in the Grand River Navigation Company, on such terms as may be agreed upon between the Governor and the Municipality or Municipalities desiring to purchase the same, and that in the event of such sale being effected to them or to any other parties, the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to amend the Law regulating the Election of Directors of the Grand River Navigation Company*, shall be thereby repealed, and the powers given to the Governor by the second and fourteenth Sections of this Act shall thenceforth cease and determine, and the purchasers of the said Indian Stock shall be entitled to the number of votes, as provided by the Act first cited in the Preamble to this Act, in proportion to the number of shares so acquired by them, and moreover that should any Municipality or Municipalities become such purchasers, they shall not be subject to the limitation in regard to the number of votes contained in the proviso attached to the Section of the said Act thereunto relating.

Act 4 & 5 V. c. 74, repealed in such case; and certain powers of Governor to cease, &c.

XVI. And be it enacted, That this Act shall be deemed a Public Act. Public Act.

C A P . C C L V I I .

An Act incorporating *The Cap-Rouge Pier, Wharf and Dock Company*.

[Assented to 14th June, 1853.]

WHEREAS the Cap-Rouge Pier and Wharf Company, a Preamble. Joint Stock Company, formed and incorporated according to the provisions of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges, and of other works of like nature*, and consisting of Arthur Ritchie, John Egan, James Bell Forsyth, Michael Stevenson, Malcolm Cameron, and others, have petitioned the Legislature to have their powers extended, so as to enable them to construct Dry and Wet Docks at Cap-Rouge aforesaid, and to be incorporated for the purposes of this Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Arthur Ritchie, John Egan, James Bell Forsyth, Michael Stevenson, Malcolm Cameron, together with all such persons as at the time of the passing of this Act are Stockholders

Certain persons incorporated.

Corporate
name and
powers.

Stockholders of the said Cap-Rouge Pier and Wharf Company, and all such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, and by the name of *The Cap-Rouge Pier, Wharf and Dock Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting or being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure, and also that they and their successors, by the same name of *The Cap-Rouge Pier, Wharf and Dock Company*, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise disposing thereof, for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient.

Empowered
to explore
country and
hold real pro-
perty.

II. And be it enacted, That the Directors of the said Company shall have full power and authority to explore the country lying between the north-east boundary lines of the property at Cap-Rouge aforesaid, belonging to Alexander Simpson, Esquire, and the south-west boundary lines of the property of Arthur Ritchie, Esquire, and for the distance of one mile in direct line in depth from the high water mark of the River St. Lawrence northwards, within the said lines and prolongations thereof, and to designate and establish, and for the said Company to purchase, have and hold, to and for the use of the said Company, so much land, whether covered with water or not, as may be requisite to construct and complete the said Dry and Wet Docks, with the necessary locks, basins, paths, roads, flood gates, wharves, piers and other appendages, and also to select such convenient sites for such, and so many houses, warehouses and other erections as may be required by the said Company for the purposes thereof: Provided always that nothing herein contained shall extend or be construed to extend to compel the owner or owners of any such land or of any mill or mill-seat to sell, convey or otherwise depart with the same to the said Company, without the consent of such owner: And further provided, also that it shall not be lawful for the said Company to have and hold any such land belonging to Her Majesty without license and permission of the Governor in that respect first had.

Proviso: not
to take pro-
perty without
consent of
owner.
Proviso.

Empowered
to provide for
the construc-
tion, &c., of
Docks.

III. And be it enacted, That it shall and may be lawful for the said Company incorporated by this Act, and they are hereby authorized and empowered from and after the passing of this Act, to supply the said Docks, or one or other of them, whilst making and when made, with water from all such brooks,
springs,

springs, streams, water courses, hollows, lakes, or other repositories of water as shall be found in making the said Dock or Docks, or within the distance of one mile (except as hereinbefore mentioned) from any part of the said Dock or Docks, or from any reservoir or reservoirs to be made for supplying the said Dock or Docks with water, provided that the said Company shall not direct any stream or water course from its natural course or injure the land through which such stream may run, and the said Company are also hereby authorized and empowered by themselves and their deputies, agents, servants and workmen to make one or more reservoir or reservoirs, and such or so many feeders, tunnels and aqueducts for the supplying the said reservoirs and Docks with water, and conveying water from any such reservoir or reservoirs to the said Dock or Docks according to plans of all such works previously made by the said Company and approved by the Governor in Council; and for the purposes aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter in and upon the lands, beaches and grounds of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies politic or corporate, (excepting as hereinbefore provided,) and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making and constructing the said Dock or Docks, and such reservoir or reservoirs, feeders, tunnels and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, constructing, preserving, improving, completing and using the said Dock or Docks, as also the approaches by which the same is or are intended to be entered from the Rivers St. Lawrence and Cap-Rouge; and also to bore, dig, cut, trench, remove, take, carry away and lay earth, and also to make, build, erect and set up in and upon the said Dock or Docks, or upon the lands belonging to the said Company, such or so many bridges, tunnels, aqueducts sluices, locks, weirs, pens for water, tanks, reservoirs, drains, floodgates, piers, wharves, quays, landing places and other works, ways, roads and conveniences as the said Company shall think requisite and convenient for the purposes of the said Dock or Docks, and also from time to time to alter, repair, amend, widen and enlarge the same or any other of the conveniencies above mentioned, as well for the floating of ships, vessels and other craft to and from the said Dock or Docks, as for the carrying and conveying goods, commodities, timber and other things to and from the same, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of and belonging to the said Dock or Docks, and the approaches thereto, as for the repairing of any shipping or craft which may resort to the said Dock or Docks, and also place, lay, work and manufacture the said materials on the grounds near to the place or

Power to enter upon lands for survey.

To get materials, &c.

Repairing and enlarging works.

Placing materials.

places

Fences, passages, &c.

places where the said works or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several locks, bridges, floodgates, works and erections belonging thereto, and also to make, maintain, repair and alter any fences or passages over, under or through the said Dock or Docks, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, floodgates and sluices, respectively, which shall communicate therewith, and also to make, set up, and appoint towing boats, steamboats, barges or other vessels for the use of the said Dock or Docks as they the said Company shall think convenient, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks for making, using, maintaining and repairing the said Dock or Docks, and the paths, roads, ways, wharves, passages and communications on the sides thereof; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Dock or Docks, in pursuance and within the true intent and meaning of this Act; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of lands, tenements, or hereditaments adjoining to the said works.

Further powers.

Compensation to be made.

Empowered to acquire bed of Cap-Rouge river,

IV. And be it enacted, That it shall and may be lawful for the said Company in constructing, making and completing the said Dock or Docks, to acquire, take and hold for that purpose so much of the bed of the River Cap-Rouge whether covered with water or not, and of the other lands comprised within the limits aforesaid, subject to the limitations hereinbefore mentioned, as the Directors of the said Company may deem requisite, as also to take and appropriate for the use of the said Dock or Docks, as well before as after their completion, the whole or so much of the waters of the said River Cap-Rouge as may be found necessary for the maintaining or using of the said Dock or Docks, subject to the limitations hereinbefore mentioned; and it shall be lawful for the said Company to erect at the mouth of the said River Cap-Rouge, where the same enters the River St. Lawrence, and on both banks of the said River Cap-Rouge within the limits aforesaid, as also on the beach and beaches in front thereof, such and so many wharves, quays, piers, forebays, locks, floodgates and other erections as may be necessary for the use of the said Company, and the purposes of the said Dock or Docks, and the communications to and therewith: Provided always, that all proprietors or occupiers for the time being, of mills or lands situated above the said Dock or Docks, or other works connected therewith, to whom the said River Cap-Rouge affords means of communication, shall, after the said Dock or Docks may have been completed, have the right as well for themselves,

And to construct works there.

Proviso in favor of occupiers of Mills, &c.

themselves, their servants, vessels, barges, boats or other water conveyances, to pass and repass free of expense into and through the said Dock and Docks, and the canals, locks or other communications to and from the same, with all such goods, merchandize, timber, firewood, or other lumber, moveable property or materials of every description, which *bonâ fide* belong to them, or are being conveyed or transported for their use, or belonging to other parties, but designed to be manufactured or having been manufactured at any mill and mills of every description in the River Cap-Rouge, as also to make fast to the piers, wharves, or other works connected with such Dock or Docks, for such reasonable time as may be requisite to enable them to convey and transport the same.

V. And be it enacted, That after any lands or grounds shall be set out and ascertained to be necessary for constructing and completing the said Dock or Docks, and other purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, communities, corporations aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, married women or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid, and that all such contracts, agreements and sales, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage to the contrary thereof in any wise notwithstanding, and the price and value thereof shall be established in the manner hereinafter mentioned, for the determination of the value of lands or other tenements to be purchased by the said Company, and of the amount of damages committed thereby.

Certain parties and bodies corporate empowered to sell real estate to Company.

VI. And be it enacted, That the Directors of the said Company shall be, and the same are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land through and upon which they may determine to cut and construct the said intended Dock or Docks, with all necessary and convenient locks, paths, wharves, ways, roads, communications and other erections and constructions contemplated by this Act to be cut, erected, constructed and built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of the said intended Dock or Docks, locks, paths, wharves, ways, roads, communications, and other erections and constructions being cut and constructed in or upon his, her or their respective lands.

Directors may contract with owners of land.

Corporation or party not empowered to sell, may take an annual rent as an equivalent.

VII. Provided always, and be it enacted, That any body politic, community, corporation, or other person or persons whomsoever, who cannot, in common course of law, sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for constructing and completing the said Dry and Wet Docks, and other the purposes and conveniences relating thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor of any land shall agree to leave in the hands of the said Company, the said Dock or Docks, and the rates and duties to be levied and collected in respect thereof, shall be and are hereby made liable and chargeable in preference to all other claims or demands thereon whatsoever, the deed creating such charge or liability being duly registered.

Capital.

VIII. Be it enacted, That the whole Capital or Stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value Seventy-Five Thousand Pounds currency, for making, completing, maintaining and using the said Dock or Docks and other works: Provided, that before the first meeting of the Stockholders of the said Company shall be held, a fifth part of the said Stock shall be taken up and subscribed, and a tenth part of the amount of the said Capital paid up; and that not more than ten per cent. be called in by each instalment, and that each call shall be made after sixty days' notice for each call.

One fifth to be paid before first Meeting.

Calls limited.

Rights of Stockholders.

IX. And be it enacted, That the said sum of Seventy-Five Thousand Pounds, or such part thereof as shall have been or shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a Subscriber or Subscribers to the said Piers, Wharves and Docks, and other works, shall be divided and distinguished into Fifteen Thousand equal parts or shares, at a price not exceeding Five Pounds per share, and that the shares shall be deemed personal estate, and shall be transferable as such: and that the said Fifteen Thousand shares shall be and are hereby vested in the said several Subscribers and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them have already or shall hereafter subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective

Shares to be personalty and transferable as such.

successors,

successors, executors, curators, administrators and assigns who have already severally subscribed and paid, or shall hereafter severally subscribe or pay, or shall hereafter severally subscribe or pay the sum of Five Pounds currency, or such sum or sums as have been or shall be demanded in lieu thereof towards carrying on and completing the said Piers, Wharves and Docks, shall be entitled to and receive, after the said Dock or Docks shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate, or community, person or persons having such property of one fifteenth thousandth part or share in the said undertaking, and so on in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

X. And be it enacted, That the said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any one time the sum of Twenty-Five Thousand Pounds currency, as they may find expedient, and at such rate of interest, not exceeding seven per cent. per annum, as they may think proper, and may make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable at such place or places, within or without the Province, as they may deem advisable; and may hypothecate or pledge the lands, tolls, revenues and other property of the said Company for the due payment of the said sums and the interest thereon.

Corporation empowered to raise money by Loan.

XI. And be it enacted, That in borrowing moneys by way of loan, and in creating mortgages and hypothecs for securing the same, the Debentures of the said Company therefor shall and may be in the forms contained in the Schedules numbers one and two respectively annexed to this Act, and the registration at full length of a debenture in the form of the Schedule number one in the Registry Office for the County, in which the land or real estate, or any portion of the land or real estate of the Company thereby specially mortgaged and hypothecated shall lie, shall perfect the mortgage or hypothec created by such debenture, and the debenture and mortgage or hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, any law or usage to the contrary notwithstanding: Provided always, that no debenture of the said Company shall be for a less sum than One Hundred Pounds currency.

Forms of debentures of the said Company.

XII. And be it enacted, That if after the registration in a County Registry Office of a debenture of the said Company creating a mortgage or hypothec, such debenture shall be presented

Registration of Debentures how duly cancelled.

presented at the Registry Office at which it was registered, with the word "cancelled," and the signature of the President or other duly authorized Director of the said Company, or of the Secretary of the said Company, written across its face, the Registrar or his deputy on receiving the usual fee in that behalf, and on proof of the cancellation by the oath of one credible witness (which oath the Registrar or his deputy is hereby authorized to administer,) shall forthwith make an entry in the margin of the Register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof, and his signature, and thereupon the cancelled debenture shall be filed and remain of record in the said Registry Office: Provided always, that if any such cancelled debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which the greater part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or Registrars, or his or their deputies, having first endorsed thereon a certificate of the entry by him or them made of the cancellation thereof.

Proviso.

Company to fix rates and tolls.

May alter such rates.

Proviso: approval of Governor in Council required.

How dues to be paid and recovered.

XIII. And be it enacted, That the said Company shall, at their general meeting held after any one or other of the said Dock or Docks shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act, as also to alter and fix the rates and dues to be taken by the said Company, in respect of their business carried on as a Pier and Wharf Company; and it shall and may be lawful for the Directors of the said Company to alter all and every the said rates at any subsequent meeting after giving three months' public notice of the same, and that a Schedule of Rates shall be affixed on the entrance and entrances of the said Dock or Docks, and at the Office of the Company (if any) in the vicinity of the same: Provided also, that no such tariff of rates or dues or any alterations of the same shall have any force or effect until the same shall have been approved and confirmed by the Governor in Council, with power to the Governor from time to time to revise the same.

XIV. And be it enacted, That the said several dues shall be paid to such person or persons, at such place or places near to the said Dock or Docks, in such manner and under such regulations as the said Directors shall direct or appoint, and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having Jurisdiction thereof, or the person or persons to whom the said dues ought to be paid, may, and he is, and they are hereby empowered to hinder from passing such boat, vessel, barge or other craft, raft of timber, deals or other lumber, goods, commodities or other articles for and in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

XV.

XV. And be it enacted, That the provisions of the said Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of macadamized roads and of bridges and other works of a like nature*, shall be applicable to the said Company incorporated by this Act, in all matters and things not inconsistent with the provisions of this Act.

12 V. c. 56
applicable to
Company.

XVI. And be it enacted, That no Shareholder in the said Company of proprietors, shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company beyond the extent of his, her or their share in the Capital Stock of the said Company not paid up : Provided always, that the said Company shall not deal or carry on any kind of trade or commerce whatsoever, otherwise than *in bonâ fide* necessarily connected with and arising out of the purposes and objects contemplated by the original Association, formed under the name of the Cap-Rouge Pier and Wharf Company, and those authorized and contemplated by this Act.

No Shareholder individually liable.

Proviso.

XVII. And be it enacted, That the said Company of proprietors to entitle themselves to the benefits and advantages to them granted by this Act, shall and are hereby required to make and complete one or more of the said Dry and Wet Docks within five years from the passing of this Act, and if the same shall not be so made and completed within the said period, so as to be capable to be used by the public, then this Act and every other matter and thing therein contained, shall cease and be utterly null and void, as far as the same respects the constructing, repairing and maintaining such Dry and Wet Docks.

Company to complete one Dock within five years.

XVIII. And be it enacted, That application to the proper Court for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the defendant or defendants shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by the authority of this Act.

Application for compensation for damages, &c., when to be made.

XIX. And be it enacted, That the Directors of the said Company shall have power from time to time to make such orders and regulations as they shall see fit respecting vessels, timber and other property coming into or going out of and whilst remaining in such Dock or Docks, as well as regards berths or otherwise ; and shall also have power to appoint such person

Directors to make regulations, &c., respecting vessels, &c.

Proviso.

or persons as they may deem necessary to carry into effect such orders and regulations ; Provided always, that such orders or regulations shall not be in force until the same shall have been approved by the Governor in Council, and the same may be from time to time revised by the Governor in Council.

How affairs,
&c. of Com-
pany to be
conducted.

XX. And be it enacted, That the stock, property, affairs and concerns of the said Company incorporated by this Act, shall be managed and conducted in the same manner as has already been provided by the Articles of Association of the Cap-Rouge Pier and Wharf Company, and by the By-laws and Regulations passed, made and adopted by the said last mentioned Company, and in force at the time of the passing of this Act ; and the present Directors of the said Cap-Rouge Pier and Wharf Company shall continue and remain to be, and shall be Directors of the said Company incorporated by this Act, until duly replaced or re-elected under the terms of the said Articles of Association, By-laws, Orders and Regulations, and the election of Directors shall take place according to the existing By-laws, unless it be otherwise subsequently provided by any By-law, Order or Regulation to be passed, made or adopted by the said Company incorporated by this Act, provided that nothing therein is contrary to the present enactments.

Property of
Cap-Rouge
Pier and
Wharf Com-
pany vested in
Company in-
corporated by
this Act.

XXI. And be it enacted, That the said stock and property, real and personal, and other the rights of the said Company, now and heretofore subsisting under the name of the Cap-Rouge Pier and Wharf Company, shall, from and after the passing of this Act, vest in and be transferred to the said Company incorporated by this Act, and thereupon the said last mentioned Company and their successors shall be liable for all the debts of the said Cap-Rouge Pier and Wharf Company, and shall be bound to fulfil all and every the contracts and obligations entered into by the said last mentioned Company previous to the passing of this Act.

Cap-Rouge
Pier and
Wharf Com-
pany not dis-
solved by this
Act.

XXII. And be it enacted, That nothing in this Act contained shall operate, or be construed to operate, as a dissolution of the said Corporation heretofore existing under the name of the Cap-Rouge Pier and Wharf Company, but the said Corporation and the Shareholders of the said Company, and their successors, shall remain and continue to form and constitute, together with such other persons as shall become Subscribers to the additional stock to be created under the provisions of this Act, and their successors, a body politic, incorporated as well for the purposes for which the said Joint Stock Company, called the Cap-Rouge Pier and Wharf Company, was originally formed, as for the purposes of this present Act, under the name of *The Cap-Rouge Pier, Wharf and Dock Company*, which shall be one and the same Corporation with the said incorporated Joint Stock Company heretofore existing, as aforesaid, under the name of the Cap-Rouge Pier and Wharf Company ; Provided always, that

Proviso.

in

in the event of the said Company incorporated by this Act not carrying into execution the powers hereby conferred upon them with respect to Dry and Wet Docks within the period prescribed by this Act, the said Company shall still subsist and continue to be incorporated as a Pier and Wharf Company, under their new name of *The Cap-Rouge Pier, Wharf and Dock Company*, and shall possess all their other powers, authorities and privileges conferred upon and belonging to them as a Pier and Wharf Company.

XXIII. And be it enacted, That after the making and completing of the said Dock or Docks, it shall and may be lawful for Her Majesty, Her Heirs and Successors to assume the possession and property of the same and of all and every the works and dependencies thereon belonging or in any wise appertaining, by paying to the said Company, their heirs, executors, administrators, curators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each Subscriber towards the making and completing of the said Dock and Docks, together with such further sum as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such Company, and the said Dock and Docks shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors who shall from thenceforth be substituted in the place and stead of the said Company, their successors and assigns for all and every the purposes of this Act so far as respects the said Dock and Docks, not including any property already or to be hereafter acquired by the said Company as a Pier and Wharf Company, or for purposes other than the construction and maintenance of Dry and Wet Docks and their appendages.

Power to Her Majesty to assume possession of property of Company.

XXIV. And be it enacted, That the service of any summons or legal proceedings upon the said Company, shall be made upon the President or Secretary or Treasurer of the said Company at their place of business, at Cap-Rouge aforesaid, where their place of business shall be carried on.

Service on the Company.

XXV. And be it enacted, That the said Company shall make annual reports of their assets and debts to the Government.

Annual reports.

XXIX. And be it enacted, That this Act shall be a Public Act, and the Interpretation Act shall apply to this Act.

Public Act.

SCHEDULE No. 1

Referred to in this Act.

CAP-ROUGE PIER, WHARF AND DOCK COMPANY LOAN.

No.	£	Currency.
<p>This Debenture witnesseth that <i>The Cap-Rouge Pier, Wharf and Dock Company</i>, under the authority of the Provincial Statute passed in the _____ year of Her Majesty's Reign, and intituled, (<i>here insert title of this Act.</i>) having received from _____ of _____ the sum of _____ currency, as a loan, to bear interest from the date hereof, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____, which sum of _____ currency, the said Company bind and oblige themselves to pay on the _____ to the said _____, or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid, on the production of the <i>Coupon</i> therefor, which now forms part of this Debenture.</p>		

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

In testimony whereof _____, President of the said Company, hath hereto set and affixed his signature, and the Common Seal of the said Company, at the City of _____ this _____ day of _____ one thousand eight hundred and _____

President.

Counter-signed and entered,

Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of _____ in the District of _____ on the _____ day of _____ one thousand eight hundred and _____ at _____ of the clock in the _____ noon, in Register _____ page

Registrar.

SCHEDULE No. 2

Referred to in this Act.

CAP-ROUGE PIER, WHARF AND DOCK COMPANY LOAN.

No. £ Currency.

This Debenture witnesseth that *The Cap-Rouge Pier, Wharf and Dock Company*, under the authority of the Provincial Statute, passed in the _____ year of Her Majesty's Reign, intituled, (*here insert title of this Act,*) have received from _____ the sum of _____

_____ currency, as a loan to bear interest from the date hereof, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____, which sum of _____

pounds currency, the said Company hereby bind and oblige themselves to pay on the _____ to the said _____ or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, on the production of the *Coupon* therefor which now forms part of this Debenture.

In testimony whereof _____, President of the said Company hath hereunto set and affixed his signature and the Common Seal of the said Company, at the City of _____ this _____ day of _____ one thousand eight hundred and _____

President.

Countersigned and entered,

Secretary.

C A P . C C L V I I I .

An Act to amend the Act intituled, *An Act to incorporate the Pilots for and above the Harbour of Quebec.*

[Assented to 14th June, 1853.]

WHEREAS the Corporation of the Pilots for and above Preamble. the Harbour of Quebec, have set forth by their Petition to the Legislature, that it is necessary for the interests of the said Corporation, and in order to facilitate the proper working thereof, that certain amendments be made to the Act incorporating the said Corporation, to wit: the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered one hundred and twenty-three; and intituled, *An Act to incorporate the Pilots for and above the Harbour of Quebec*; And whereas it is expedient to grant the prayer of the said Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

Meetings may
be held either
in Quebec or
Montreal.

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the General Meeting of the Members of the said Corporation, mentioned in the third Section of the Act above cited, shall hereafter be held on the first day of June in each year, at such place in the City of Quebec, or in the City of Montreal, instead of in the City of Montreal only, as shall be designated by the By-laws of the said Corporation to that effect; and it shall be lawful for the said Corporation to hold the said meeting in either the one or the other of the said Cities.

Power to im-
pose penalties
to apply to
By-laws
under this
Act.

II. And be it enacted, That the power granted to the said Council in and by the seventh Section of the Act above cited, to impose penalties, and in default of immediate payment thereof, to award imprisonment during the time therein specified, for each offence, against any member of the said Corporation, or against the Secretary-Treasurer, for any contravention of any of the By-laws of the said Corporation, shall apply to the By-laws to be established by the said Council under this Act.

C A P . C C L I X .

An Act to enable the Trustees of St. Andrew's Church, Quebec, to alienate or hypothecate certain property, for the purpose of raising funds to build a more convenient Church, Manse and School.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Minister and Trustees of St. Andrew's Church, in the City of Quebec, have by their petition to the Legislature represented, that having in view the erection of a new and more commodious Church, Manse and School, they are desirous of being empowered to borrow for that purpose a sum not exceeding Seven Thousand Pounds, and to hypothecate the property held by them in trust, as security for the re-payment of the sum so borrowed, or to dispose of the said property and purchase another and more convenient site for the said Church and buildings, and it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Corporation

Corporation of *The Minister and Trustees of St. Andrew's Church*, constituted by the Act of the Parliament of the late Province of Lower Canada, passed in the Session held in the tenth and eleventh years of the Reign of King George the Fourth, and intituled, *An Act to incorporate the Minister and Trustees of St. Andrew's Church in the City of Quebec*, shall have full power and authority to borrow, in this Province or elsewhere, such sum or sums, not exceeding in the whole the sum of Seven Thousand Pounds currency, as they may find necessary for defraying the expense of building a new and more commodious Church, Manse and School, or any of them, for the use and better accommodation of the Congregation of the said St. Andrew's Church, and also to pay off all existing claims against the said Trustees in respect of the said property now held by them, and to mortgage or hypothecate the property held by them under the said Act, or any part thereof, with the buildings upon the same and all the appurtenances thereof, for securing the payment of the principal and interest of the sum or sums to be so borrowed as aforesaid; and the said Corporation shall also have full power and authority, if they shall deem it more for the interest of the said Congregation, to sell, dispose of, alienate and convey to any purchaser or purchasers all or any part of the property aforesaid, for such price, and upon such terms and conditions as they shall think most for the advantage of the said Congregation, and to receive the purchase money therefor, and validly to acquit and discharge the purchaser or purchasers as well for the said purchase money, as from all trusts, limitations, uses and provisos whatsoever affecting the said property, or any part thereof; any thing in the said Act, or in the Letters Patent or Letters of Mortmain in the Preamble of the said Act mentioned, or in any other Letters Patent, Act, Deed or Instrument to the contrary notwithstanding; Provided always, that it shall not be lawful for the said Corporation to alienate the said property or any part thereof, unless and until such alienation shall have been approved and assented to by a majority of the Pewholders of the said St. Andrew's Church, not in arrear of rent, present at a meeting of such Pewholders to be called and held and the proceedings whereof shall be registered in the manner provided with regard to similar meetings by the Act last above cited, and an instrument declaring the decision of the majority of the Pewholders voting at such meeting shall be drawn up and signed by the person presiding at such meeting, and by three of the Pewholders present thereat, and shall be enregistered in the office of the Prothonotary of the Superior Court at Quebec, and a copy thereof certified by the said Prothonotary shall be deemed authentic, and shall be legal evidence of such instrument and of the facts therein stated.

The Corporation constituted by the Act of L. C. 10 & 11 G. 4, c. 57. empowered to borrow money, and to hypothecate their property as security.

The Corporation may alienate their present property.

Proviso: consent of Pewholders required to such alienation.

II. And be it enacted, That the said Corporation shall have full power and authority to apply the moneys to be borrowed under the authority of this Act, or arising from the sale of the property

To what purposes Corporation may

apply moneys raised under this Act.

property hereinbefore mentioned, or of any part thereof, or such part of the said money as they may find necessary to pay off all existing claims against the said Trustees in respect of the said property now held by them, and to defray the expense of building a new and more convenient Church, Manse and School, or any of them, either on the property now held by the said Corporation, or on any property to be acquired by them under this Act, or of altering, repairing, enlarging or improving the present Church, Manse or School, or any of them, and to purchase, acquire, take and hold any lot or lots of ground within the Upper Town of the City of Quebec, which they shall deem to be a more convenient site or sites for the said Church, Manse or School or any of them than the present site or sites thereof, and to pay the price of such lot or lots so to be acquired out of the moneys aforesaid: and for the purposes aforesaid, the said Corporation shall have full power and authority to enter into, execute and enforce all such agreements and contracts; deeds and instruments as may be requisite or expedient to the exercise of all or any of the powers hereby given them, and also to pay out of the pew rents and other income of the said St. Andrew's Church not otherwise specially appropriated, all or any of the sums of money to be by them payable under this Act; and the said Corporation shall have all such further powers, if any, as may be necessary to the full exercise of the powers expressly vested in them by this Act or the full attainment of the purposes thereof: Provided always, that any lands and real property which shall be acquired by the said Corporation under the authority of this Act, shall be holden by the said Corporation to and for the same limitations, trusts, provisions and uses, to and for which the lands and real property now vested in them are holden, except in so far only as it is otherwise expressly provided by this Act, and excepting always any hypothecs, rights or privileges reserved in favor of the Vendors thereof or other parties, by the deeds or instruments conveying such property to the said Corporation, or by law belonging to such Vendors or other parties at the time of the execution of such deeds or instrument, or by reason thereof.

They may enter into necessary contracts and agreements.

Proviso: new property to be held for the same purposes as the old.

Exceptions.

Public Act.

III. And be it enacted, That this Act shall be a Public Act.

C A P . C C L X .

An Act to explain the Act intituled, *An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemins, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester.*

[Assented to 14th June, 1853.]

Preamble.

WHEREAS an Act was passed by the Legislature of the then Province of Lower Canada, in the Fifty-eighth year of the reign of His late Majesty, George the Third, Chapter Twenty-five,

Twenty-five, intituled, *An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemins, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester*; And whereas the said François Verrault, and his representatives, and successors, did erect and build the said Bridge, Toll House and dependencies, in conformity with the provisions of the said Act, and have always been possessors thereof since the passing of the said Act, and have always kept the same on foot and in repair, as by the said Act required, at a great loss and expense; And whereas certain words, in the sixth Section of the said Act contained, may tend to nullify the privilege granted to the said François Verrault, his heirs and assigns, and to expose his representatives to loss and damage contrary to the true intention and purport of the said Act; And whereas doubts have arisen in several of Her Majesty's courts of justice in Lower Canada, as to the intention of the Legislature in granting an exclusive privilege to the said François Verrault, his heirs and assigns, by the Act aforesaid, in consequence of the said wording of the sixth Section thereof; and it is expedient to remove the said doubts, with a view to protect the said François Verrault, his heirs, executors, curators and assigns, in the premises: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the true intention of the Legislature in enacting the said sixth Section of the said Act, and other the provisions of the said Act, was that the said François Verrault, his heirs, executors, curators and assigns, should have an exclusive privilege within the limits prescribed by the said Act, and to prevent the building of any Bridge or Bridges whatsoever, or works of any kind whatsoever, which might tend to lessen or deprive the said François Verrault, his heirs, executors, curators or assigns, of the tolls authorized to be levied by him under the same Act; Provided, however, that nothing in this Act contained shall be construed to prevent the public from passing any of the fords in the said River Etchemins, within the limits aforesaid, or in canoes only, without gain or hire. And provided also, that nothing in this Act contained shall be construed so as to subject any person or persons to liability for having erected or used or caused or procured to be erected or used any free bridge or bridge not being a toll bridge within the said limits before the passing of this Act.

Act L. C. 58
G. 3. c. 25,
cited.

The true intention of s. 6 of the said Act declared.

Proviso.

Proviso.

II. And be it enacted, That this Act shall be deemed a Public Act.
Public Act.

CAP. CCLXI.

An Act to incorporate the *Institut Canadien*.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS several persons of different classes, ages and professions residing in the City of Montreal and elsewhere, have formed a Literary and Scientific Association in the said City, under the name of the *Institut Canadien* for the purpose of establishing a Library and Reading Room, and of organizing a system of mutual and public instruction by means of lectures and courses of instruction; And whereas the persons hereinafter named, officers of the said Association or members thereof, have by their petition to the Legislature, represented that the said Association was founded originally in the year one thousand eight hundred and forty-four, for the purpose of procuring for its members and of generally extending instruction in the various branches of the sciences, arts and useful knowledge which are necessary and advantageous in the different positions of life; and the petitioners have moreover represented that the number of members composing the said Association already exceeds five hundred, that the said Association is in possession of a Library of two thousand volumes, and a Reading Room abundantly provided with newspapers and periodical publications, and that the incorporation of the members of the said Association would insure and increase the advantages which would result therefrom to themselves and to the public, and they have prayed to be so incorporated; And whereas it is expedient to accede to the prayer of the said petitioners, subject nevertheless to the rules and regulations hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That Joseph Doutre, C. F. Papineau, L. Ducharme, V. P. W. Dorion, A. Cressé, W. Prevost, A. Tellier, S. Martin, A. A. Dorion, J. G. Barthe, P. Mathieu, J. A. Hawley, R. Laflamme, Joseph Papin, Emery Coderre, J. W. Haldimand, P. R. Lafrenaye, F. Cassidy, Louis Ricard, Eugène L'Ecuyer, C. Loupret, and all such other persons as now are or shall hereafter become members of the said association by virtue of this Act and of the By-laws thereof, shall be and are hereby constituted a Corporation or body politic, for the purposes mentioned in the preamble to this Act, under the name of the *Institut Canadien*, and the said Corporation shall also have the right of acquiring and possessing, for the purposes aforesaid, immoveable property of the annual value of Five Hundred Pounds currency, including therein the value of

Association called the *Institut Canadien* at Montreal, incorporated.

Corporate name and powers.

the

the real property belonging to the said Society, for the uses and purposes thereof, and all moveables and personal effects and property whatsoever, with the power to sell and alienate the said moveable and immoveable property, and to purchase others in their stead, and to execute all contracts and to acquire property gratuitously within the limits above prescribed; and all moveable property, books, credits and effects belonging to the said Association at the time of the passing of this Act, shall vest in the said Corporation.

Corporation substituted for the Association.

II. And be it enacted, That all the members composing or who shall form part of the said Association, shall be considered as of full age, for the exercise of the rights attached to them in their quality of members of the said Association, provided that no person shall be considered a member of such Corporation unless he be of the full age of seventeen years.

All members to be considered as of full age.

III. And be it enacted, That the Constitution or By-laws of the said Association in force at the time of the passing of this Act, as modified by this Act, shall continue to be the Constitution and By-laws of the said Corporation, until they shall be altered or repealed by the said Corporation who are hereby empowered so to do, and also from time to time, as they shall think proper, to make any other Constitution or By-laws, and the officers of the said Association who shall be in office at the time of the passing of this Act, shall continue to discharge the duties of their respective offices as officers of the said Corporation, until others shall be appointed in their stead in conformity with the said Constitution and By-laws.

By-laws of Association to be those of Corporation until altered.

IV. And be it enacted, That it shall be the duty of the said Corporation to lay before the Governor, when required, a detailed statement of the real or immoveable property or estate held by virtue of this Act, and of the revenue arising therefrom, and of their receipts and expenditure.

Annual statement to be made to Governor.

V. And be it enacted, That this Act shall be a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P. C C L X I I .

An Act to incorporate *La Congrégation des Hommes de Ville Marie*, in the City of Montreal.

[Assented to 14th June, 1853.]

WHEREAS an Association hath existed for several years in the city of Montreal, in this Province, under the name of "La Congrégation des Hommes de Ville Marie," the object whereof is religious, and tends to the encouragement of morality and the practice of charity; And whereas the said Association is composed of the persons hereinafter named and others, who have set forth by their petition that the incorporation of the said

Preamble.

said

said Association would increase and secure the advantages resulting therefrom, and have prayed that they and their successors may be incorporated in conformity with the regulations and provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That W. C. H. Coffin, Jacques Grenier, P. J. Beaudry, Eucher B. Dufort, J. L. Brault, Alfred LaRocque, Hubert Paré, O. Berthelet, The Honorable D. B. Viger, R. Trudeau, A. Laframboise and Patrice Lacombe, and such other persons as now are or shall, under the provisions of this Act and the By-laws of the said Association, be or become members thereof, shall be and they are hereby constituted a Corporation, under the name of "La Congrégation des Hommes de Ville Marie," and shall be entitled to acquire, hold, possess, take and receive, for the purposes of the said Corporation, any lands, tenements or hereditaments, and real or immoveable property, lying within this Province, not exceeding in yearly value the sum of Five Hundred Pounds currency, including therein the value of the real property occupied by the said Corporation for the purposes thereof, and the same to sell, alienate and dispose, and acquire others in their stead for the purposes above mentioned.

A certain Association at Montreal incorporated.

Corporate name and powers.

The Corporation substituted for the Association.

By-laws of Association to be those of Corporation until altered. Officers to remain until others are appointed.

II. And be it enacted, That all and every the estate, real and personal, belonging to the said Association, and which the said Association or the members thereof, as such, may hereafter acquire, and all debts, claims and demands, due to the said Association, shall be and they are hereby vested in the said Corporation hereby constituted, and the said Corporation shall be liable for all debts due by or claims against the said Association.

III. And be it enacted, That the By-laws, Rules and Regulations of the said Association, in force at the time of the passing of this Act, shall be and continue to be the By-laws, Rules and Regulations of the said Corporation; and the officers of the said Association at the time of the passing of this Act, and each of them, shall continue to fulfil their respective duties as officers of the said Corporation, and to manage and conduct the affairs thereof, until others shall be appointed in their stead under the said By-laws, Rules and Orders.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act

CAP. CCLXIII.

An Act to incorporate the Ecclesiastical Society of St. Michel.

[Assented to 14th June, 1853.]

WHEREAS there has existed in this Province since the Preamble.

fifth day of June, one thousand seven hundred and ninety-nine, a Society of Members of the Roman Catholic Clergy, in the Diocese of Quebec, under the name of the "Ecclesiastical Society of St. Michel," the main object of which association is to afford assistance to members of the said Society in case of infirmity, sickness, old age or helplessness; And whereas the said Society consists of the persons hereinafter named and others, who have represented by their petition that the incorporation of their Society would increase and secure the benefits resulting from it, and prayed to be incorporated, together with their successors in accordance with the rules and provisions herein contained: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Right Reverend Pierre Flavien Turgeon, Archbishop of Quebec, Charles François Baillargeon, Bishop of Tloa, and Thomas Cooke, Bishop of Three-Rivers, and the Reverend Thomas Maguire, Laurent Thomas Bedard, François Germain Loranger, Jean Louis Beaubien, and others, Priests, and such other persons as are now, or shall hereafter become, under the provisions of this Act and the By-laws of the said Society, members thereof, together with their successors, shall be, and they are hereby constituted a body corporate and politic, by the name of "The Ecclesiastical Society of Saint Michel," and by the same name shall hereafter, from time to time and at all times, have power to purchase, acquire, hold, possess, take and receive for themselves and their successors, for the use and behoof of the said corporation, real and immoveable property within this Province, not exceeding in yearly Value One Thousand Pounds currency, and the same to sell, alienate and dispose of, and to acquire other such real and immoveable property in the stead thereof for the purposes above mentioned, provided that the Corporation of the said Society shall consist of Ecclesiastics belonging to the Dioceses of Quebec and Three-Rivers.

A certain society of Ecclesiastics in the Diocese of Quebec incorporated.

Corporate name and powers.

Ecclesiastics of Three-Rivers may join.

II. And be it enacted, That all the personal estate, and all debts, claims and demands belonging to the said Society at the time of the passing of this Act shall be, and they are hereby vested in the said Corporation hereby constituted, and the said Corporation

Corporation substituted for the said Society.

Corporation shall in like manner be liable for all debts, dues or claims against the said Society.

For what purposes assistance may be granted.

III. And be it enacted, That assistance shall not be granted out of the funds of the Society for any object of the Society except that of affording assistance to the members of the Society in case of infirmity, sickness, old age, and helplessness.

By-laws of Society to govern Corporation until repealed.

IV. And be it enacted, That the By-laws, Rules and Regulations of the said Society, in force at the time of the passing of this Act, shall be and continue to be, the By-laws, Rules and Regulations of the said Corporation, until the same shall be amended or repealed by others to be made by the said Corporation, and the officers and administrators of the said Society, in office at the time of the passing of this Act, and each of them, shall continue to fulfil the duties of their respective offices as officers or administrators of the said Corporation, and manage and administer the affairs thereof, until others shall have been elected in their stead, as provided under the said By-laws, Rules and Regulations.

Corporation to render statements to the Governor.

V. And be it enacted, That the said Corporation shall be bound, when required by the Governor or person administering the Government of this Province for the time being, to render to him true statements of their receipts and expenditure, and of all the real and personal estate held and enjoyed by the said Corporation.

Public Act.

VI. And be it enacted, That this Act shall be a Public Act.

C A P . C C L X I V .

An Act to incorporate the Sisters of Charity of Quebec.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS an Association of Religious Ladies hath existed for several years in the City of Quebec, in the District of Quebec, under the name of "Les Sœurs de la Charité de Québec," who have formed an Institution for the reception of orphans, and for the gratuitous instruction of young indigent females; And whereas the said Ladies have by their petition prayed that the said Association may be incorporated, and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

same, That Sister M. S. M. Mallet, Sister M. J. Pilon dite Ste. Croix and Sister M. E. Perrin dite St. Joseph, and such other persons as shall under the provisions of this Act 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 Sisters of Charity of Quebec," 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 uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real and immoveable property and estate situate, lying and being within this Province, not exceeding in yearly value the sum of One Thousand Pounds currency, exclusive of the buildings erected and in course of erection and the dependencies thereof, occupied or hereafter to be occupied by the said Corporation for the purposes thereof, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose; and by the said 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 all courts of law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever; and any majority of the members of the corporation for the time being shall have power and authority to make and establish such Rules, Orders and Regulations not being contrary to this Act nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter, repeal and change such Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation, and the management thereof, or which shall or may appertain thereto; subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Sisters of
Charity at
Quebec in-
corporated.

Corporate
name and
powers.

Real estate
limited.

Further pow-
ers.

Majority may
make By-
laws.

Further pow-
ers of major-
ity.

II. Provided always, and be it enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repairs of the buildings requisite for the purposes of the said Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

To what pur-
poses only the
income of the
Corporation
shall be ap-
plied.

Corporation substituted for former Association.

III. And be it enacted, That all and every the estate and property, real or personal, belonging to or hereafter to be acquired by the members or the said association, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established, and the Rules, Orders and Regulations now made or to be made for the management of the said Association, shall be and continue to be the Rules, Orders and Regulations of the said Corporation, until altered or repealed in the manner herein provided.

May appoint an Attorney, &c., and Officers;

IV. And be it enacted, That the members of the said Corporation for the time being, or a majority of them, shall have power to appoint such Attorney or Attornies, Administrator or Administrators of the property of the Corporation, and such officers and teachers and servants of the said Corporation as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively, as shall be reasonable and proper; and all officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the Rules, Orders and Regulations of the said Corporation.

And grant them the requisite powers.

Non-liability of members.

V. And be it enacted, That nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said Corporation, or any person whatsoever individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Reports to Legislature.

VI. And be it enacted, That it shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature within fifteen days after the beginning of each Session, a detailed statement of the real or immoveable property or estate held by virtue of the present Act, and of the revenue arising therefrom.

Public Act, &c.

VII. And be it enacted, That this Act shall be deemed to be a Public Act, and the Interpretation Act shall apply to this Act.

CAP. CCLXV.

An Act to incorporate *The Roman Catholic Institute of Saint Roch's Quebec.*

[Assented to 14th June, 1853.]

WHEREAS there now exists in the parish of Saint Roch, in the City of Quebec, a Literary Association, under the name of "The Roman Catholic Institute of Saint Roch's, Quebec," possessing a library, giving courses of public lectures, and formed with the praiseworthy object of dispensing among the members of the said Association a love of study and a taste for useful and interesting knowledge; And whereas the Reverend Messieurs Z. Charest, J. B. Z. Bolduc and Pierre Légaré, J. B. Martel, Louis Prevost, G. M. Muir, A. D. Riverin, Prudent Vallée, René Pelchat, F. L. Gauvreau, all acting officers of the said Association, have, by their petition, prayed to be incorporated in order to the more certain and efficacious attainment of the useful objects for which they have formed an Association; And whereas it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the persons above named and all such as now or hereafter shall form part of the said Association, and their successors for ever, shall be and constitute a Body Politic and Corporate, under the name of "The Roman Catholic Institute of Saint Roch's, Quebec," and by that name may acquire and hold for the purposes of this Act by purchase, donation, demise, or otherwise, any moveable and immoveable property, which they also shall be empowered to sell, transfer and alienate as they shall consider for the advantage and interest of the said Corporation, and for the purposes thereof; but the immoveable property of the said Corporation shall in no case exceed in value Two Thousand Pounds current money of this Province, to include the real property and buildings used and occupied by them.

Preamble.

Roman Catholic Institute of St. Roch's Quebec, incorporated.
Corporate name and powers.

Real property limited.

II. The officers of the said Corporation shall be :

Officers of the Corporation.

Firstly. An Honorary President, an Acting President, two Acting Vice Presidents, a Treasurer, a Sub-Treasurer, a Recording-Secretary, an Assistant Recording-Secretary, a Corresponding-Secretary, an Assistant Corresponding-Secretary and a Librarian.

Secondly. A Council or Board of Directors, to be composed of the above named Officers, and of twenty other Acting Members, who shall be chosen and elected as hereinafter provided.

Council.

Annual meeting and election of Directors.

Notice.

Thirdly. The Acting President and the twenty Members composing the Board of Directors shall be elected by ballot at the General Meeting which shall take place on the second Monday in May, in each year, previous notice to that effect having been given by the Recording-Secretary in one of the public newspapers published in the City of Quebec, of the day and hour of such Meeting; and if the second Monday in May shall happen to be a holiday, the General Meeting shall be fixed for the day following.

Appointment of Officers.

Fourthly. The above named Officers (with the exception of the Acting President) shall be chosen by the Board of Directors at the Meeting of the said Board which shall take place after the General Election.

Provision in case the Annual Meeting does not take place on the day fixed.

III. If for any cause whatsoever the Annual General Meeting shall not take place on the day hereinbefore fixed, the said Meeting shall take place on such other subsequent day as shall be fixed by the Acting President or one of the Vice Presidents, and notice of the holding of such Meeting shall be given as prescribed in the preceding Section; and the officers of the Board of Directors shall remain in office until their successors shall be elected by the General Meeting as aforesaid.

First General Meeting, when to take place, &c.

IV. The first General Meeting which shall take place under this Act shall be held within three months after the passing thereof; and in case the Annual General Meeting shall not be held at the place and on the day fixed by the second Section of this Act, the said Meeting shall be summoned in the manner prescribed by the third Section of this Act, within a month after the second Monday in May.

Quorum at Meetings.

V. The number of members sufficient to constitute a General Meeting shall be sixty, and the number of members of the Board of Directors sufficient to exercise the powers and privileges of the said Board shall be nine.

Powers of Directors.

Property.
Accounts.

By-laws.

Proviso: as to By-laws.

VI. The powers and privileges of the Board of Directors shall be, first: to have the direction and administration of the moveable and immoveable property of the said Corporation; secondly, to render every year at the General Meeting to be held for the election of officers and of the Board of Directors, a Report of their proceedings and administration, and to submit a detailed statement of the affairs of the said Corporation; thirdly, to prepare and make the By-laws necessary for the administration and good government of the Corporation; Provided that the said By-laws shall not be contrary to the provisions of this Act nor to the laws of Lower Canada; and no By-law shall have any effect but from and after the day on which it shall have been approved of at an Annual or Special General Meeting.

VII. Any By-law approved at a General Meeting shall not be afterwards repealed, changed, modified, or altered, unless the party demanding such repeal, change, modification or alteration shall give notice in writing under the signature of the Recording-Secretary, indicating what By-law, whether in whole or in part, he requires repealed, changed, altered or modified, and the said notice shall be posted up in the Reading Room of the said Corporation for at least one month before the day fixed for taking into consideration the repeal, change, alteration or modification of the said By-Law or part thereof; and no repeal, change, alteration, or modification of a By-law or of any part thereof shall take place without the consent of two thirds of the members of the Corporation then present.

Formalties to be observed in repealing or amending a By-law.

Two thirds of members must be present.

VIII. All questions submitted to the consideration of a General Meeting or of the Board of Directors shall be decided by the majority of votes, save and except the repeal, change, alteration or modification as provided in the foregoing Section, and in case of an equal division, the President shall have the casting vote.

Questions to be determined by votes.

IX. The Board of Directors may, whenever they shall deem it necessary, call a Special General Meeting of the members of the Corporation, observing the formalities prescribed by the second Section of this Act.

Special Meetings how called.

X. The service of any summons, copy or legal proceeding to which the said Corporation shall be a party, shall be valid if made at the ordinary domicile of the Recording-Secretary of the said Corporation.

Service of summons, &c.

XI. None of the members of the said Corporation shall be held personally liable for the debts of the said Corporation.

Non-liability of Members.

XII. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Public Act, &c.

C A P . C C L X V I .

An Act for the Relief of the Heirs and Devisees of the late Samuel Ryerse.

[Assented to 14th June, 1853.]

WHEREAS Samuel Ryerse, of the Township of Woodhouse, in the County of Norfolk, in Upper Canada, deceased, in and by his last Will, bearing date on or about the twentieth day of May in the year of our Lord one thousand eight hundred and twelve, devised certain lands in the said Township of Woodhouse, to his sons George Joseph, and Edward Powers, and to his daughter Amelia, for their lives, respectively, with certain limitations to their youngest sons and children, respectively; And whereas the said Devisees, George Joseph

Preamble.

Will of Samuel Ryerse recited in part.

Joseph Ryerse, Edward Powers Ryerse, and Amelia Harris, (formerly Amelia Ryerse) have petitioned Parliament for power to them the said George Joseph Ryerse and Edward Powers Ryerse, respectively, to convey in fee simple certain parts or portions of the Estate so devised to them as aforesaid, for the purpose of improving the Harbour at Port Ryerse, and securing the erection of a Town in the vicinity thereof; And whereas it would be to the advantage of the said Estate, and of the persons who may now be or may hereafter become interested therein, under the Will of the said Samuel Ryerse, that such power should be granted under certain restrictions and limitations hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said George Joseph Ryerse and Edward Powers Ryerse, respectively, to grant and convey to any person or party for any Estate, all or any part or portion of the parts of Lots Numbers Two and Three in the broken front tier of lots in the said Township of Woodhouse, which are mentioned and described in the Schedules marked A and B of this Act, as fully and effectually to all intents and purposes, as if the said Samuel Ryerse had devised the same by the said Will to the said George Joseph Ryerse and Edward Powers Ryerse, respectively, in trust to sell and invest the proceeds of the same for their benefit during their natural lives, and thereafter for the benefit of the persons so entitled to the said devised Estate according to the terms of the said Will; and every deed or conveyance made and executed by the said George Joseph Ryerse or Edward Powers Ryerse, of or concerning any part of the said portions of the said Lots, shall be valid in Law and Equity, as against every person who under the said Will of Samuel Ryerse may have or claim or might have or claim any Estate or interest therein: Provided always, that the receipt and discharge by the said George Joseph Ryerse and Edward Powers Ryerse, respectively, as the case may be, of the purchase money or any part thereof of the said described portions shall be a discharge to the purchasers, and the said purchasers shall not be bound to see to the application of the said purchase money paid upon such receipt.

G. J. Ryerse
and E. P.
Ryerse em-
powered to
convey cer-
tain lands in
fee simple.

Such convey-
ance made
valid.

Proviso:
Purchasers
not bound to
see to trusts.

Sale not to
be made until
lands have
been valued:
and how.

II. And be it enacted, That no such grant and conveyance shall be made until the value of the said described portions of the said lots shall have been ascertained and determined by award on the oath of three Arbitrators or a majority of them, to be appointed by the Judge of the County Court for the County in which the said lots are situate, which said value shall be so ascertained,

ascertained, due regard being had to the improvements and situation of the said described portions to be valued as aforesaid; and the said award shall be registered in the Registry Office of the said County for reference thereto, and the value therein contained, shall be to all intents and purposes held and considered to be the actual value of the portions aforesaid.

III. And be it enacted, That the said George Joseph Ryerse and Edward Powers Ryerse, shall be held and taken to be Trustees for the sale and conveyance of the said portions, and shall, as such Trustees, be held and bound to invest the said value in Public Provincial Securities, bearing interest at not less than six per cent., which said investment shall be substituted for and shall to all intents and purposes, stand in the place of the said portions of land, and be subject to the provisions of the said Will in the use and final disposition thereof, as the said portions represented thereby: and the said Trustees shall be held and liable in the premises as fully and effectually as if they had been in fact appointed Trustees as aforesaid, under the said Will.

Purchase money to be invested for purposes of Will.

IV. And be it enacted, That this Act shall be deemed a Public Act.

SCHEDULE A.

The following is a description of that portion of Lot Number Two in the Township of Woodhouse, in the County of Norfolk, in Upper Canada, devised to George Joseph Ryerse, which he is by this Act empowered to convey in fee simple, to wit:

“ All that part of Lot number Two in the broken front tier of lots in the said Township of Woodhouse, containing by admeasurement forty-five acres, be the same more or less, which said parcel of land is bounded as follows, that is to say: commencing at a stone boundary set in the side-line between Lots Numbers Two and Three, in the said broken front tier of lots near the foot of the hill in the rear of the garden premises of Edward P. Ryerse and on the westerly side of the main travelled road leading from the Town of Simcoe to Port Ryerse; thence south thirty-four degrees and thirty-five minutes west, four chains and ninety-two links to a stone set where an elm tree boundary formerly stood: thence south twenty-five degrees and twenty-five minutes east, six chains and thirty links to a bounded chesnut tree standing in front of the grist mill of G. J. Ryerse; thence south twenty-nine degrees and twenty minutes west, two chains and fifty-seven links to the centre of the waters of Young’s Creek; thence following the centre of the said Creek down stream, the several turnings thereof, seven chains and seventy-two links; thence south twenty degrees and twenty-five minutes east, passing over two stone boundaries set, the one

Description of lands which G. J. Ryerse is empowered to convey.

“ near

“ near the southerly side of Young’s Creek, the other near the
 “ brow of the high bank of Lake Erie, seven chains and fifty
 “ links, more or less, to the water’s edge of Lake Erie; thence
 “ following up the water’s edge of Lake Erie twelve chains, or
 “ be the distance more to in line with a stone boundary set to
 “ the top of the high bank of Lake Erie, (the said stone boundary
 “ being set at the distance of twelve chains, measured at right
 “ angles from the stone boundary set on the brow of the high
 “ bank as aforesaid); thence north fifteen degrees and forty
 “ minutes west, twenty-five chains and fifty links, more or
 “ less, to the southerly side of the waters of the mill pond of
 “ the said George J. Ryerse; thence following the southerly
 “ edge of the waters of the said mill pond at high water mark
 “ as aforesaid, the several windings thereof, be the distance
 “ more or less, to the head of the said mill pond at high water
 “ mark; thence following down the northerly side of the said
 “ mill pond at high water mark, down stream, the several
 “ windings thereof, be the distance, more or less, to the mouth
 “ of the most easterly ravine putting into the northerly side of
 “ the said mill pond; thence following the centre of the said
 “ ravine in a north-easterly direction sixteen chains and eighty-
 “ five links, more or less, to a small bounded hickory tree;
 “ thence north seventy-three degrees and twenty minutes east,
 “ passing through a large size chesnut tree, seven chains and
 “ twenty-five links to the side-line between said Lots Numbers
 “ two and three; and thence south fifteen degrees and forty
 “ minutes east, twenty-one chains and thirty-one links to the
 “ place of beginning.”

SCHEDULE B.

The following is a description of that portion of Lots Two and Three in the Township of Woodhouse, in the County of Norfolk, in Upper Canada, devised to Edward Powers Ryerse, which he is by this Act empowered to convey in fee simple, to wit:

Description of
 lands which
 E. P. Ryerse
 is empowered
 to convey.

“ All that part of Lot Number Two, and also that part of
 “ Lot Number Three in the broken front tier of lots in the
 “ Township of Woodhouse aforesaid, containing by admeasu-
 “ rement seventy acres, be the same more or less, which said
 “ parts of Lots Two and Three are butted and bounded, and
 “ may be described as follows, that is to say: commencing at
 “ the edge of Lake Erie in the limit between Lots Numbers Two
 “ and Three in the broken front tier of lots in the Township of
 “ Woodhouse; thence north twenty degrees and twenty-five
 “ minutes west, passing over two stone boundaries set, the one
 “ near the brow of the high bank of Lake Erie, and the other
 “ near the southerly side of Young’s Creek seven chains and fifty
 “ links, more or less, to the middle of the said Creek; thence
 “ in the middle thereof, following the several turnings thereof,
 “ seven chains and seventy-two links; thence north twenty-nine
 “ degrees

“ degrees and twenty minutes east, two chains and fifty-seven
“ links to a bounded chesnut tree, standing in front of the
“ grist mill of George Joseph Ryerse ; thence north twenty-five
“ degrees, twenty-five minutes west, six chains and thirty
“ links to a stone set where an elm tree boundary formerly
“ stood ; thence north thirty-four degrees and thirty-five minutes
“ east, four chains and ninety-two links to a stone boundary
“ set in the side-line between Lots Numbers Two and Three
“ near the foot of the hill in rear of the garden premises of
“ Edward Powers Ryerse, and on the westerly side of the main
“ travelled road from the Town of Simcoe to Port Ryerse ;
“ thence along the side-line between the said Lots Numbers
“ Two and Three, north fifteen degrees and forty minutes
“ west, twenty-one chains and thirty-one links ; thence north
“ seventy-four degrees, twenty minutes east, fourteen chains
“ ninety links, more or less, to the middle of the breadth of the
“ aforesaid Lot Number Three ; thence south fifteen degrees
“ forty minutes east, forty chains, twenty links, more or less,
“ to the water’s edge of Lake Erie ; thence westerly along the
“ water’s edge to the place of beginning.”

QUEBEC :—Printed by S. DERBISHIRE & G. DESBARATS,
Law Printer to the Queen’s Most Excellent Majesty.

PROVIDENCE OF DATA

AND TO THE YOUNG MEN'S BUREAU

AND IN THE UNITED STATES OF AMERICA

1917



THE UNITED STATES OF AMERICA

1917

STATUTE
OF THE
PROVINCE OF CANADA

PASSED IN THE
SIXTEENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE FOURTH PARLIAMENT
OF CANADA

Begun and holden at Quebec on the Nineteenth of August and Adjourned on the
Tenth of November, 1852, to the Fourteenth February following:

~~~~~  
**PART SECOND.**

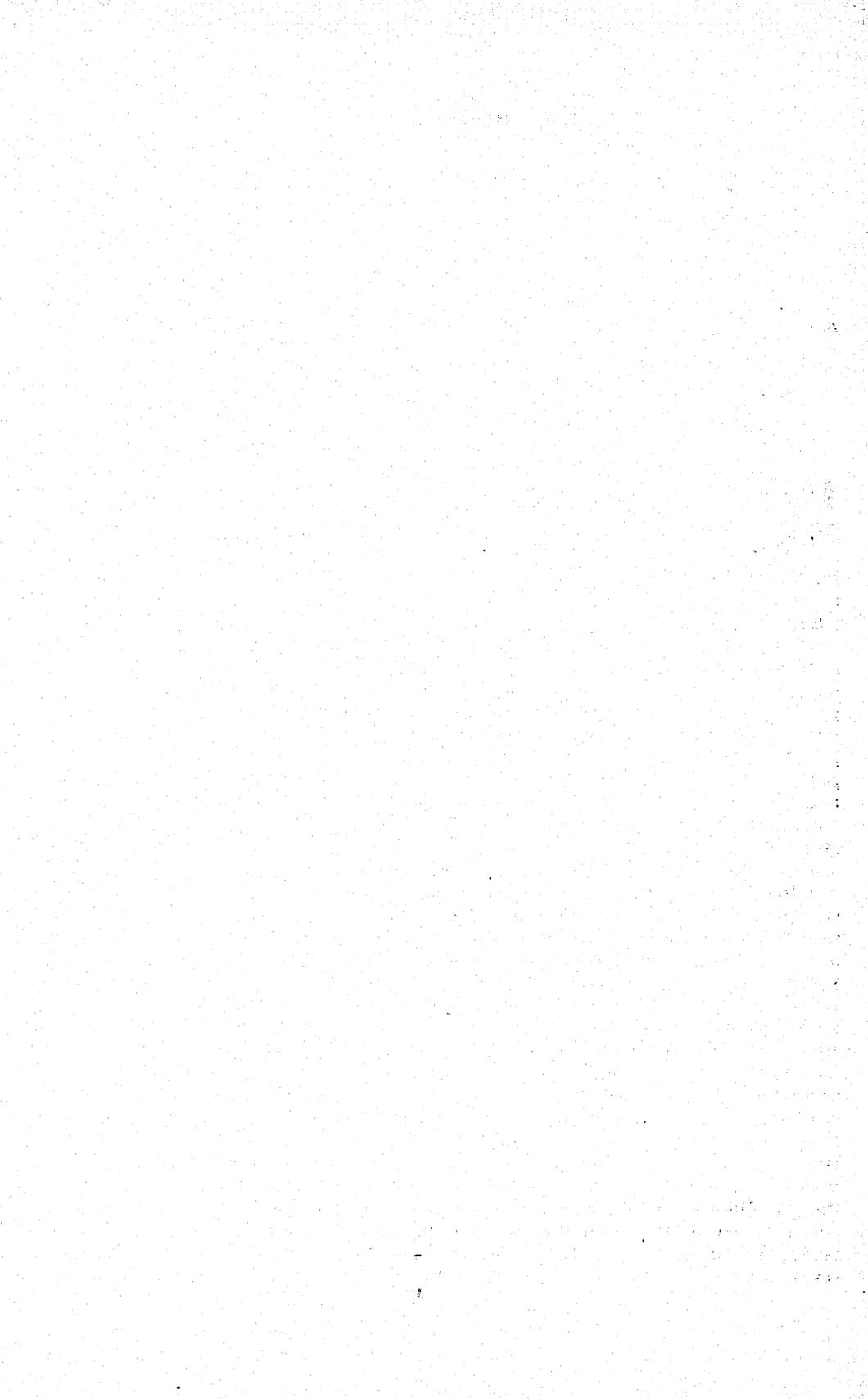
RESERVED ACT.  
~~~~~



HIS EXCELLENCY THE RIGHT HONORABLE
JAMES, EARL OF ELGIN AND KINCARDINE, K. T.
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

Anno Domini, 1853.





ANNO SEXTO-DECIMO
VICTORIÆ REGINÆ.

CAP. CCLXVII.

An Act for the relief of William Henry Beresford.

Reserved for the signification of Her Majesty's pleasure 14th June, 1853.

The Royal Assent given by Her Majesty in Council on the 20th October, 1853; and Proclamation thereof made by His Excellency Lieutenant General WILLIAM ROWAN, Administrator of the Government, in the Canada Gazette of the 10th December, 1853.

INASMUCH as William Henry Beresford, of the City of Toronto, Esquire, late a Captain in Her Majesty's Rifle Brigade, hath by his Petition humbly set forth, that in the month of July, in the year of Our Lord, one thousand eight hundred and fifty, he was married to Emma Catherine Lawrence, a spinster, then living in Montreal; that he and the said Emma Catherine Lawrence, lived and cohabited together as man and wife from the time of their marriage until the month of May, in the year of Our Lord, one thousand eight hundred and fifty-one; that unhappy differences, caused by great violence of temper and uncontrollable bursts of passion on the part of the said Emma Catherine Lawrence, during which his life was endangered, rendered it impossible for them to continue to reside together, and that it was agreed between them to live separate and apart; that at the time of their separation, the said Emma Catherine Lawrence left the abode of the said William Henry Beresford with her brother, to return to Halifax, in the Province of Nova Scotia, in the month of July, one thousand eight hundred and fifty-one; that in the early part of last summer the said William Henry Beresford had reason to believe that the said Emma Catherine Lawrence had entered into and carried on an unlawful familiarity and criminal intercourse with Daniel Gallagher, a servant in the employ of the said William Henry Beresford, before his separation from the said Emma Catherine Lawrence; that while the said William Henry Beresford was taking the necessary steps to satisfy himself of the guilt of the said Emma Catherine Lawrence and obtain proof thereof at Rochester, in the State of New York, near to which she resided with her brother, as the said William Henry Beresford had been led to believe, she the said Emma Catherine Lawrence disappeared from her residence and afterwards was traced to the City of Rochester aforesaid, where she and the said Daniel Gallagher passed as man and wife, and whither she had gone to be delivered of a child; that after being discovered, she the said Emma Catherine Lawrence returned to her residence near Rochester, and on the fifteenth day of August,

Preamble.
one

one thousand eight hundred and fifty-two, she was delivered of a female child which died on the thirtieth day of January now last past; that in consequence of the residence abroad of the said Daniel Gallagher, the said William Henry Beresford has been unable to institute legal proceedings against him for such criminal conversation with the said Emma Catherine Lawrence, with a view to an application to the Legislature for a divorce, and hath humbly prayed that the said marriage might be dissolved, so as to enable the said William Henry Beresford to marry again, and that he might have such other relief as might be thought fit: And whereas the said William Henry Beresford hath made proofs of the adultery above recited, and it is expedient that the prayer of the said petitioner should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said marriage between the said William Henry Beresford and the said Emma Catherine Lawrence, his wife, shall be henceforth null and void, and the same is hereby declared adjudged and enacted to be null and void to all intents and purposes whatsoever.

Marriage of W. H. Beresford and E. C. Lawrence, declared void.

W. H. Beresford empowered to marry again.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said William Henry Beresford, at any time hereafter to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized.

Issue of the future marriage of W. H. Beresford declared legitimate.

III. And be it further enacted by the authority aforesaid, That in case of the said William Henry Beresford again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they the said William Henry Beresford and Emma Catherine Lawrence had not intermarried, and have any issue born to him, that the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and that the rights of them the said issue and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property real or personal of what nature or kind soever from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purposes whatsoever if the marriage between the said William Henry Beresford and Emma Catherine Lawrence had never taken place.

Legal Rights of such issue.

FIRST SESSION, FOURTH PARLIAMENT.

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TO

ACTS OF CANADA.



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(Acts passed in the said Session on or before 10th November, 1852.)

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