



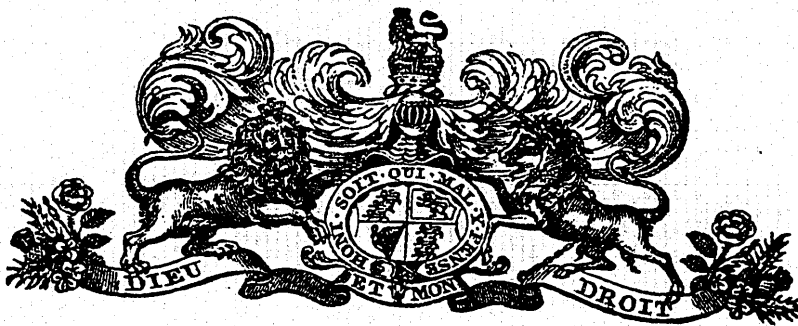
PROVINCIAL STATUTES

OF

CANADA,

ENACTED by Her Most Excellent Majesty, Our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., by and with the advice and consent of the Legislative Council and Assembly of the said Province, constituted and assembled by virtue of and under the authority of An Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Third and Fourth years of Her Majesty's Reign, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.*"

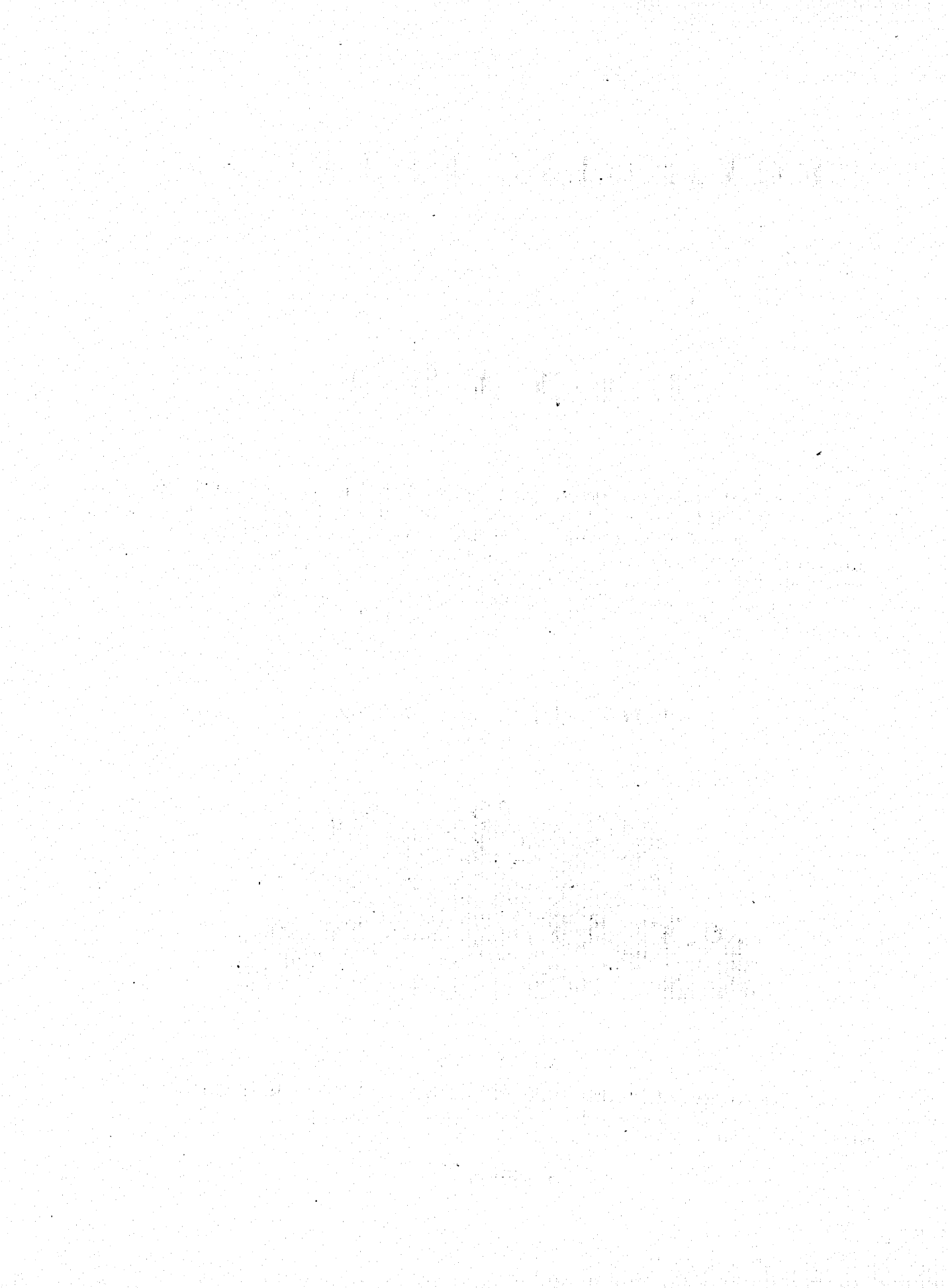
VOL. III. 1st Sess. 3d Part.



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LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1848.



PROVINCIAL STATUTES

OF

CANADA.

ANNO REGNI UNDECIMO

VICTORIÆ,

DEI GRATIÂ BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

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

GOVERNOR-GENERAL.

**BEING THE FIRST SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF
CANADA.**



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. I.

An Act to make better provision with respect to Emigrants, and for defraying the expenses of supporting Indigent Emigrants, and of forwarding them to their place of destination, and to amend the Act therein mentioned.

[23d March, 1848.]

WHEREAS the amount of the rate or duty now levied under the provisions of the Provincial Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to create a fund for defraying the expense of enabling Indigent Emigrants to proceed to their place of destination, and of supporting them until they can procure employment*, hath been found to be inadequate for the purposes contemplated by the said Act; and whereas it is necessary to increase the said amount, and to make such further provisions generally in reference to Emigration as will tend to prevent the introduction into the Province of a pauper class of Emigrants, labouring under disease and incapable of supporting themselves; and it is expedient to amend the said Act accordingly: 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 instead of the rate or duty of five shillings currency, payable for each Passenger by any ship arriving in the Port of Quebec, or in the Port of Montreal, from any Port in the United Kingdom or in any other part of Europe, directed to be levied under the provisions of the said Act, there shall be raised, levied, collected and paid the rate or duty of ten shillings currency for every Passenger, irrespective of age, who shall have been embarked in such ship; and such rate or duty, and any increase thereof under the provisions hereinafter made shall be paid and collected in the manner provided in and by the said Act, the provisions whereof as hereby amended shall apply in all respects to the rate or duty hereby imposed as if the same had been imposed by the said Act, except in so far as it is herein otherwise provided.

Preamble.
Act 4 & 5
Vict., cap. 13,
cited.

Instead of the duty imposed by the said Act, a duty of ten shillings to be paid for each passenger, without regard to age.
Provisions of the said Act to apply to duties under this Act.

II. And whereas it is expedient to hold out inducements to Masters of Ships carrying passengers, to maintain proper cleanliness, ventilation, and regularity on board, during the voyage: Be it therefore enacted, That the rate or duty payable for Passengers embarked on board of any such ship as aforesaid, shall be increased in proportion to the time during which such ship shall be detained in Quarantine, subject to the limitation hereinafter

Recital.
Duty increased in proportion to the time the ship

is in Quarantine.
Rate of increase.
Total amount limited.

Proviso :
Exemption from such increase in certain cases.

hereinafter made ; and such increase shall be two shillings and six pence currency, for every passenger embarked on board of such ship for each full period of three days during which the ship shall be detained in Quarantine after her arrival at the Quarantine Station ; but such increase payable for each Passenger shall not, in the whole, exceed the sum of twenty shillings currency, except in the case of ships arriving after certain periods of the year as hereinafter mentioned : Provided always, that such increase shall not apply to the Passengers by any ship having had no disease, or mortality from disease, on board during the voyage, and having no disease on board on her arrival, and detained at the Quarantine Station only for observation or the proper cleansing of the ship or of the Passengers thereby.

Duty increased when the ship arrives after certain periods of the year.

III. And whereas it is necessary to prevent, if possible, the arrival of Passengers at so late a period of the year as to render it almost impossible that they should be able, during the winter season, to provide for their own subsistence : Be it therefore enacted, That the said rate or duty of ten shillings, shall be doubled for every Passenger in any ship arriving in either of the said Ports of Quebec or Montreal, between the tenth day of September and the first day of October in any year, and shall be trebled for every Passenger in any ship so arriving on or after the first day of October in any year.

Duty increased on passengers not entered on the Ship's List.

IV. And whereas Masters of Ships are in the practice of embarking passengers after the ship 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 delivered to the Collector or Officer of Her Majesty's 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 ship may have touched after the embarkation of such passenger, the Master 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 or Chief Officer of the Customs at the Port of Quebec or Montreal, at whichever the said ship 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.

Additional particulars to be reported by the Master of any Ship with regard to his passengers.

V. And be it enacted, That in addition to the particulars heretofore required in the list of passengers to be delivered on each voyage, by the Master of any ship carrying passengers and arriving in either of the Ports of Quebec or Montreal, to the Collector or Chief Officer of Her Majesty's Customs at such Port, the Master shall report in writing to the said Collector or Chief Officer, the name and age of every passenger embarked on board of such ship on such voyage, and shall designate all such passengers as shall be lunatic, idiotic, deaf and dumb, blind or infirm, stating also whether they are accompanied by relatives likely to be able to support them ; and shall also designate all such passengers as shall be children not members of any Emigrant family on board, or widows having families, or women without their husbands having families, with the names and ages of their children ; and in case any Master shall omit or neglect to report the particulars herein specified, or shall make any false report in any of such particulars, he shall incur a penalty of five pounds, currency, for every passenger in respect of whom such omission or neglect or such false statement shall have been made as aforesaid.

Penalty for omitting to report such particulars.

VI. 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 ship 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 ship, and to inspect the said List of Passengers, and the Bill of Health, Manifest, Log Book or otherwise of the said ship, and if necessary to take extracts from the same; and if, on examination, there shall be found among such passengers any child not being a member of any emigrating family on board, or lunatic, idiotic, deaf and dumb, blind or infirm person, or any person above the age of sixty years, or any widow with a child or children, or any woman with a child or children and without her husband, and any such person or child 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 or other Chief Officer of the Customs, at the Port of Quebec or of Montreal, at whichsoever the ship is first to be entered, who shall require the Master of such ship, 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 twenty 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 one year 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 the said Collector or Chief Officer, and by their oath or affirmation (which such Collector or Officer is hereby authorized to administer) shall satisfy him that they are respectively residents in this Province and worth double the amount of the penalty of such bond over and above all their debts and liabilities, personal and real: Provided always, that every such Master may relieve himself from making and executing such bond, by the payment to the said Collector or Chief Officer of the sum of twenty shillings, currency, for each such passenger so specially reported.

VII. And be it enacted, That in case any passenger for whom any bond shall have been given as aforesaid, shall, at any time within one year 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 monies 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.

VIII. And be it enacted, That if the Master of any ship on board of which such passengers specially reported as aforesaid shall have been carried, shall neglect or refuse to execute the said bond, or to pay the commutation money in lieu thereof, forthwith after the said ship shall have been reported to the said Collector or Chief Officer, such Master shall incur a penalty of one hundred pounds, currency; and the said ship shall not be cleared on her return voyage until the said bond shall have been executed, or the commutation money in lieu thereof 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.

Medical Superintendent or other officers thereunto appointed, to go on board and examine passengers by each ship, and report certain particulars.

Certain powers conferred on them.

Master to give bond with sureties in cases where Emigrants are likely to become chargeable on the public.

Sureties to justify their sufficiency.

Proviso: Master may pay commutation money instead of giving bond.

Money expended for the support of any such passenger to be repaid out of the penalty of the bond.

Penalty for not giving bond or paying commutation money.

Ship not to be cleared until the penalty be paid, &c.

By whom the bond shall be kept.

On what evidence and in what manner the penalty shall be recoverable.

Neither the Medical Superintendent nor any person employed by Government at the Quarantine Station, shall have any interest in any contract for supplying any article required for such station, or any pecuniary interest relative to the same, &c.

Penalty on persons contravening this Section.

Recital.

Power given to reduce the penalty of £25, mentioned in sect. 3, of 1 & 5 V. c. 13.

Recital.

Masters to land their passengers within certain limits in the port of Quebec.

IX. And be it enacted, That after the said bond shall have been executed as aforesaid, the said Collector or Chief Officer shall transmit the same to the Receiver General of this Province, to be by him kept and held during the said period of one year 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 Emigrant 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 Executive Government of this Province, 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.

X. And be it enacted, That no person being Medical superintendent at the said Quarantine establishment, nor any person thereat employed under him and remunerated for his services from the public monies of the Province, shall directly or indirectly, by himself or others, be concerned or have any interest in the said Quarantine establishment whatever, nor in any public works thereat, nor in any contracts relating thereto, nor in vending or furnishing supplies or necessaries of any kind therefor, nor to any emigrant or emigrants arriving thereat, nor trade in any respect as such superintendent or as such other officer thereat either directly or indirectly for his or their benefit under the penalty in case of contravention hereof, of dismissal from his office or employ at the said Quarantine establishment, and of being for ever thereafter incapable of being again employed and of serving thereat, and that each and every person herein offending shall moreover be held and taken to be guilty of a misdemeanor, and on conviction thereof, be in the discretion of the Court liable to punishment by fine, not exceeding twenty five pounds, currency, or imprisonment for any period not exceeding six calendar months.

XI. And whereas it is expedient that a discretionary power should exist for reducing the penalty of twenty-five pounds, currency, provided in the third Section of the Act hereinbefore cited, for the purpose of more effectually securing the enforcement of the same for the contravention of the law in the case to which the said penalty applies; Be it enacted, That in the adjudication of the said penalty of twenty-five pounds, currency, the same may in the discretion of the Court or Justices adjudging the same, be reduced to any sum not less than five pounds, currency.

XII. And whereas inconvenience and expense are occasioned by the practice of Masters of Ships 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 Ships 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 ships shall, for the purpose of landing their passengers and baggage, be anchored within the following limits

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 said 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.

The limits.

XIII. And be it enacted, That all and every the provisions of the Provincial Act aforesaid, for the raising, levying and paying of the rate and duty directed to be levied by the said Act, and for the application of the same, and for enforcing the payment of the same and of the penalties by the said Act imposed, by summary proceedings and imprisonment, and for requiring detailed statements of the expenditure of the said monies and of the due application thereof to be accounted for through the Lords Commissioners of Her Majesty's Treasury, shall apply in every particular to the rates and duties and to the monies under this Act required to be levied and paid, and to the penalties imposed for any offence against this Act; and all and every the said monies so directed to be levied as aforesaid; and all rates or duties hereby imposed, may also be recovered by the Collector or Officer to whom they ought to be paid in the manner provided by the said Act, for the recovery of the penalties thereby imposed: and all and every the penalties or forfeitures under the provisions hereof and of the said Provincial Act, shall be a lien upon the Ship by reason whereof such monies 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.

Provisions of 4 & 5 V. c. 13, extended to the levying and enforcing of duties, penalties, &c., under this Act, and to the application of the same.

Penalties and forfeitures to be a special lien upon the Ship.

XIV. And be it enacted, That in case any Ship having passengers on board shall at any time hereafter be wrecked on the coasts of this Province, and such passengers be liable to become chargeable on the said Province, and any part of the said ship or her furniture or appurtenances be saved, and the owner, master or other person in charge shall not provide for the sustenance of the said passengers and their transport to their place of destination, it shall be lawful for the Collector or other principal Officer of Customs at the port nearest to the place where such wreck shall take place, or such other person as the Governor shall appoint for such purposes, to take charge of the said wreck, and the furniture and appurtenances thereof, and sell the same and out of the proceeds of such sale after paying any amount that may be due for salvage and the wages of the Seamen to deduct such sum as may be required to defray the necessary sustenance of the said passengers and their expenses to their place of destination, and to pay over the balance (if any) to the owner if present, and in his absence to the master or commander of such Ship.

In case of wreck, if the Master does not provide the means of supporting and forwarding his passengers, the wreck may be sold and the passengers forwarded and supported out of the proceeds.

XV. 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 last place of residence or business, or on board any ship to which he may belong; and either upon the appearance or default to appear, by 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

Mode of proceeding in cases wherein two Justices have jurisdiction.

Summons may be issued by one Justice. Service of Summons. Proceeding may be before any two or more Justices and summary.

party

What proof shall be sufficient.

Costs may be allowed.

Penalty, &c., how levied if not forthwith paid.

Offender may be detained until return made under the warrant of distress, unless he shall give security.

In default of sufficient distress the offender may be committed to Gaol for not more than three months.

Proviso: Imprisonment of the Master not to discharge the Ship.

Convictions and proceedings under this Act not to be quashed for want of form or removed into Superior Courts.

As to warrants of commitment.

Interpretation Clause.

Master.

Ship.

Passengers.

Disease.

Quarantine.

Child.

Singular number.

Duration of this Act.

party offending or complained against, or upon the oath of one or more credible witness, (which oath such Justices are hereby authorized to administer) it shall be lawful for such 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 the said Provincial Act, as the case may be, according to the nature of the offence, and also to pay the costs attending the information or complaint; and if forthwith upon any such order, the monies 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 monies, the surplus, if any, to be returned to him upon demand; and any such Justices may issue their warrant accordingly, and may also order such party to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless such party give security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day or days 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 monies 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 as aforesaid, then such Justices shall, by warrant, cause the party ordered to pay such monies and costs as aforesaid, to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such monies 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 ship shall not discharge the said ship from the lien or liability attached thereto by the provisions of this Act.

XVI. And be it enacted, That no conviction or proceeding under this Act, or the said Provincial 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.

XVII. 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 Ship; the word "Ship" shall include all Ships or Vessels carrying Passengers; the word "Passengers" shall apply to Emigrants usually and commonly known and understood as such, and not to Cabin Passengers who pay for and are provided with cabin fare and accommodation, nor to Troops or Military Pensioners and their families who are carried in Transports, or at the expense of the Imperial Government; the term "Disease" shall apply to Plague, Small Pox, Bilious, Pestilential, Infectious, or Contagious Disease or Fever; and the word "Quarantine" shall apply to "Grosse Isle" or other place at which such Quarantine shall be directed to be performed, and the word "Child" shall apply to any person under the age of ten years; 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.

XVIII. And be it enacted, That this Act shall continue to be in force until the first day of December, one thousand eight hundred and forty-nine, and thence until the end of the then next Session of the Provincial Parliament, and no longer.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. II.

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.

[23d March, 1848.]

WHEREAS doubts have arisen as to the time at which certain provisions of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to regulate the summoning of Jurors in Lower Canada*, were intended to come into force and effect. 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 so much of the said Act as relates to the preparing of the Lists of Jurors, and to the qualification of the persons whose names are to be inserted in such Lists respectively, and to the deposit thereof with the proper Officers, was intended to have and shall be construed to have had force and effect from and after the passing of the said Act, so that the said Lists shall be completed and deposited in the manner required by the said Act, on or before the last day of July, one thousand eight hundred and forty-nine; but that all the remaining provisions of the said Act were intended to have, and shall have force and effect from the time appointed for the completion and deposit of the said Lists, that is to say, upon, from and after the first day of August, one thousand eight hundred and forty-nine, and not before; except only with regard to Jurors who, before the said day shall have been summoned, or ordered to be summoned, to attend at any Court or at any Trial to be held or had upon or after the said first day of August, with regard to whom and to the proceedings at such Court or Trial the said provisions shall have no force or effect; any thing in the said Act to the contrary notwithstanding.

Preamble.

Doubts under Act 10 & 11 Vic. c. 13, recited.

From what time certain provisions of the said Act shall respectively have force and effect.

Exception as to Jurors summoned or ordered to be summoned before 1st August, 1849.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.





ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. III.

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

[23d March, 1848.]

WHEREAS it is expedient further to continue for a limited time the several Laws 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 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 regulate the Inspection of Beef and Pork*, shall be and is hereby continued, and shall remain in force until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Preamble.

Act 4 and 5
Vict. c. 88,
Inspection of
Beef and Pork
continued.

II. And be it enacted, That the Act of the said Legislature, 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*, as amended and extended by the Act of the said Legislature 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*, and the said last mentioned Act, shall be and are hereby continued, and shall remain in force until the first day of July in the present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 7 Vict. c.
10, as amended
by

9 Vict. c. 30,
Bankrupts,
continued.

III. And be it enacted, That the Act of the said Legislature, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace, and the prevention of Riots and violent Outrages at and near Public Works while in progress of construction*, shall be and is hereby continued, and shall remain in force until the first day of July in this present year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 8 Vict. c.
6. Riots on
Public Works,
continued.

IV.

Act 8 Vict. c.
27, Registra-
tion of Titles
in L. C.,
continued.

IV. And be it enacted, That the Act of the said Legislature, 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*, shall be and is hereby continued, and shall remain in force until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 8 Vict. c.
48, Insolvent
Debtors, U. C.
continued.

V. And be it enacted, That the Act of the said Legislature, passed in the eighth 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*, shall be and is hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 9 Vict. c.
2, Duty on
Stills, conti-
nued.

VI. And be it enacted, That the Act of the said Legislature, passed in the ninth year of Her Majesty's reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to impose a duty on Distillers and on the Spirituous Liquors made by them, and to provide for the collection of such duties*, shall be and is hereby continued, and shall remain in force until the first day of July, in the present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 9 Vict. c.
29, Adminis-
tration of Jus-
tice in L. C.
continued.

VII. And be it enacted, That the Act of the said Legislature, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the laws relative to the Administration of Justice in Lower Canada*, shall be and is hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 9 Vict. c.
38, Commis-
sioners of In-
quiry, or pub-
lic matters
continued.

VIII. And be it enacted, That the Act of the said Legislature, passed in the ninth year of Her Majesty's reign, and intituled, *An Act to empower Commissioners for inquiring into matters connected with the Public Business, to take evidence on oath*, shall be and is hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of L. C.
2 Geo. IV. c.
8, Common
of Laprairie,
continued.

IX. And be it enacted, That the Act of the Legislature of Lower Canada, passed in the second year of the reign of His Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Magdeleine*, shall be and is hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of L. C.
2 Geo. IV. c.
10, Common
of La Baie du
Febvre, and

X. And be it enacted, That the Act of the said Legislature, passed in the second year of the reign of His Majesty King George the Fourth, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called*

La

La Baie du Febvre, to provide for the better regulation of the common of the said Seigneurie, as extended by the Act of the said Legislature, passed in the Fourth year of the same reign, and intituled, An Act to authorize the Chairman and Trustees of the Common of the Seigniorie 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, and the said last mentioned Act shall be and are hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of L. C.
4 Geo. IV. c.
26. Same
subject con-
tinued.

XI. And be it enacted, That the Act of the said Legislature, passed in the third year of the reign of His late Majesty King William the Fourth, 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, shall be and is hereby continued, and shall remain in force until the first day of July, in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.*

Act of L. C.
3 Will. IV. c.
14. Protested
Bills of Ex-
change, con-
tinued.

XII. And be it enacted, That the Ordinance of the Legislature of Lower Canada, passed 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, shall be and is hereby continued, and shall remain in force, except so far as it may be affected by any subsequent Act or Ordinance, until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.*

Ordinance of
L. C. 2 Vict.
(3) c. 7. Road
Laws, conti-
nued.

XIII. And be it enacted, That the Ordinance of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal, shall be and is hereby continued, and shall remain in force, as amended or altered in its effect by any subsequent Act or Ordinance, until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.*

Ordinance of
L. C. 2 Vict.
(3) c. 19. Tri-
nity House at
Montreal, con-
tinued.

XIV. And be it enacted, That the Ordinance of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church-yards, as amended and extended by the Ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, and intituled, An Ordinance to extend the provisions of a certain Ordinance, concerning the erection of Parishes for civil purposes, to Parishes canonically erected before the passing of the said Ordinance, and the said last mentioned Ordinance, shall be and are hereby continued, and shall remain in force until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.*

Ordinance of
L. C. 2 Vict.
(3) c. 29.
Erection of
Parishes, &c.
and
Ordinance of
L. C. 4 Vict.
c. 23. Same
subject, conti-
nued.

Ordinance of
L. C. 2 Vict.
(3) c. 65.
Inspection of
Fish and Oil,
continued.

XV. And be it enacted, That the Ordinance of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the Inspection of Fish and Oil*, shall be and is hereby continued, and shall remain in force until the first day of July in this present year of Our Lord, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act 10 & 11
Vict c. 1.
Public Health
of the City of
Montreal,
continued.

XVI. And whereas the Act passed in the Session of the Provincial Parliament, 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*, hath expired, and it is expedient to revive and continue the same; Be it therefore further enacted, That the said Act, with the exception of such part of the second section thereof as limits its duration to the space of four months from the passing thereof, shall be and is hereby revived, and shall continue in full force and effect until the first day of July next, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. IV.

An Act to render executory certain Judgments rendered by the late Courts of King's Bench for Lower Canada.

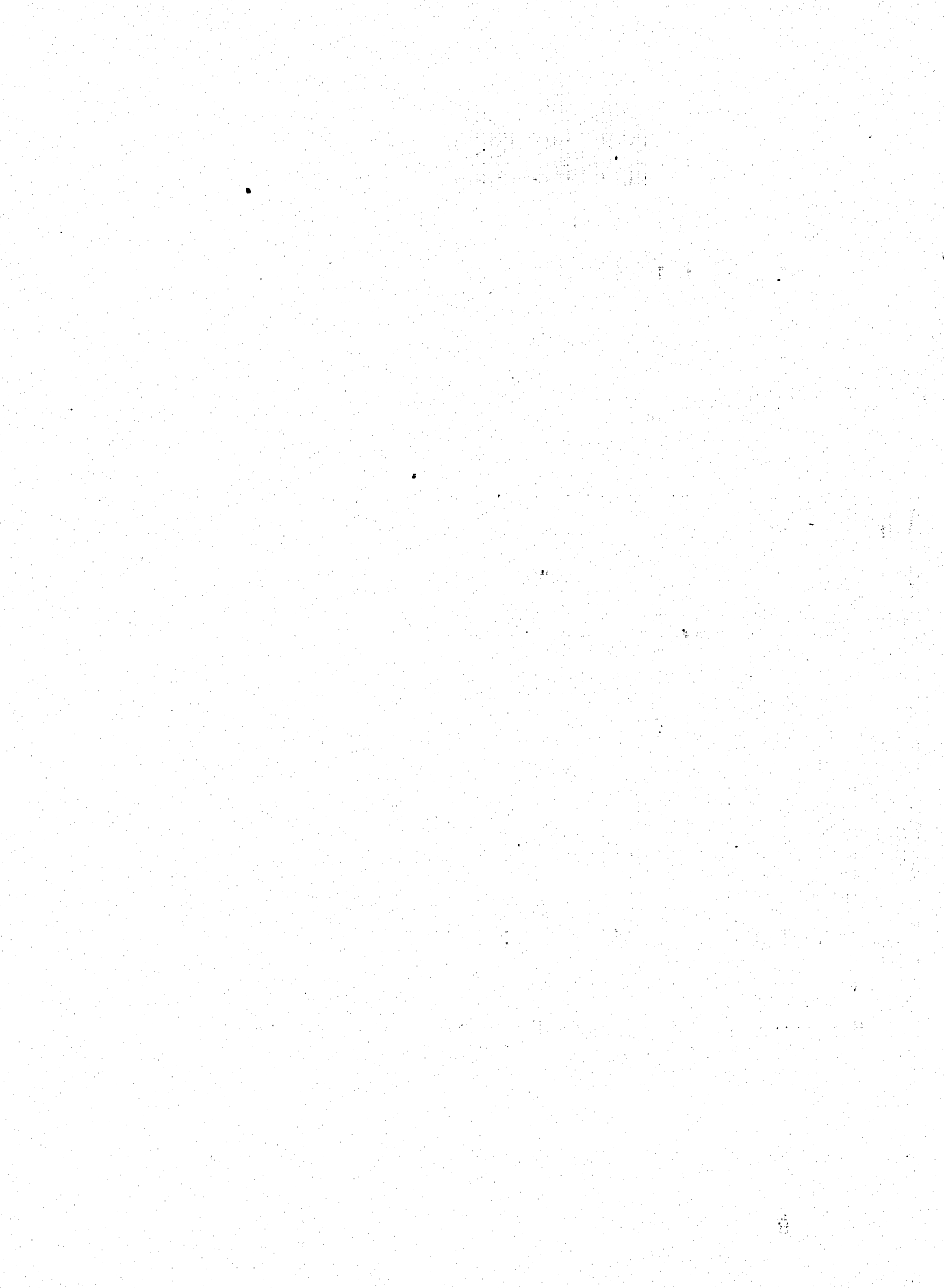
[23d March, 1848.]

WHEREAS no provision is made by the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada*, for carrying into effect unexecuted Judgments rendered by the Courts of King's Bench at the Inferior Terms thereof, which had been abolished by an Act repealed by the Act above cited, and great inconvenience hath resulted from the want of such provision, inasmuch as the said Judgments have either remained unexecuted, or it hath been necessary to have them declared executory by other Judgments obtained at great cost: For remedy whereof, 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, 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 Judgments of the several Courts of King's Bench in Lower Canada sitting in Inferior Term, shall and may be executed as if they were Judgments rendered since the passing of the said Act, by the Court of Queen's Bench for the same District, sitting in Inferior Term; and the Prothonotaries of the said Courts respectively shall accordingly issue Writs of Execution under the said Judgments, and ulterior proceedings shall be had thereupon as if the said Judgments were Judgments of the Courts of Queen's Bench sitting in Inferior Term as aforesaid, under the Laws now in force.

Preamble.
Act 7 Vic. c.
16, cited.

Judgments of
the Courts of
King's Bench,
in Lower Can-
ada, sitting
in Inferior
Term, made
executory.

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ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. V.

An Act to amend the Act for regulating the Shipping of Seamen, and to fund the fees payable under the said Act.

[23d March, 1848.]

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 for regulating the Shipping of Seamen*, and to fund the fees payable under 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 fees payable under the said Act and received by the Shipping Master, shall be funded, and the same shall be accounted for by him in the same manner and form as other public monies are accounted for within this Province; and that after retaining a sum not exceeding two hundred and fifty pounds, currency, for each and every year's service, by way of salary and in lieu of all emoluments of office whatsoever, the said Shipping Master shall pay into the hands of the Receiver General, the net balance received as such fees, after deducting necessary expenses and disbursements, such balance to be applied to the public uses of the Province.

Preamble.
Act 10 and 11
Vict. c. 25,
cited.

Fees received
by the Ship-
ping Master,
to be funded
and accounted
for by him.

His salary not
to exceed £250
currency.

Balance to be
paid to Re-
ceiver General.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. VI.

An Act to continue and amend the Act for the Inspection of Flour and Meal, and to provide for the Inspection of Oatmeal.

[23rd March, 1848.]

WHEREAS it is expedient to continue for a limited time, and amend the Act 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 Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to regulate the Inspection of Flour and Meal*, shall be and is hereby continued, and shall remain in force until the expiration of this Act, subject nevertheless to the amendments and provisions hereinafter made.

Preamble.

Act 4 and 5
Vict c. 89, as
hereby amend-
ed continued
until expira-
tion of this
Act.

II. And be it enacted, That each Inspector of Flour and Meal, heretofore appointed under the authority of the said Act shall, by virtue of his appointment as such, be Inspector of Flour, Meal and Oatmeal, and shall be so styled from and after the passing of this Act; and any bond which he shall have given for the due performance of the duties of his office, shall be construed to have been conditioned and shall have the same effect in law as if it had been conditioned for the due performance of the duties of his office as Inspector of Flour, Meal and Oatmeal; but no such Inspector shall merely by reason of the passing of this Act, be held to require any re-appointment, or to give any new security, or to take any new oath of office, or to undergo any new examination; Provided always, that any person who shall, after the passing of this Act, be an applicant for the office of Inspector of Flour, Meal and Oatmeal, shall be subject to examination as to his qualifications for that office and his knowledge of the qualities of Oatmeal, and if he be appointed, then in the instrument appointing him, in his oath of office, and in the bond to be given by him, he shall be styled Inspector of Flour, Meal and Oatmeal, and proper changes shall be made accordingly in the wording of the said instrument, oath and bond.

Present In-
spectors of
Flour and
Meal to be
also Inspectors
of Oatmeal.
Bonds, oaths
of office, &c.
need not be
renewed.

Proviso as
to persons
hereafter ap-
pointed.

III. And be it enacted, That each Board of Examiners heretofore appointed under the authority of the said Act, shall be, without any new appointment, the Board of Examiners of applicants for the office of Inspector of Flour, Meal and Oatmeal, for the same

Present
Board of Ex-
aminers to re-
main as such
for examining

applicants for the office of Inspector of Flour, Meal and Oatmeal. Future appointments provided for.

same place, and may require the attendance of persons of experience and practice in the manufacture and qualities of Oatmeal, to assist at any examination; and nothing herein contained shall be construed to require the members of such Board, or any of them, to take any new oath of office; but when any new Board or a new member of any now existing Board shall be appointed, proper changes shall be made in any instrument by which such appointment shall be made and in the oath of office.

Appointment of Assistant Inspectors.

IV. And be it enacted, That such Inspector of Flour, Meal and Oatmeal, shall and may appoint such Assistant Inspector or Inspectors of Oatmeal as he shall, from time to time, be required to appoint by the Board of Trade of the City for which such Inspector is appointed, and shall increase the number of Assistants when required by the said Board of Trade, in like manner and under like provisions as he is by the said Act bound to increase the number of Assistant Inspectors of Flour and Meal; and no person shall be appointed Assistant Inspector of Oatmeal until he shall have been examined and approved by the proper Board of Examiners, and skilful persons sitting with them; and each person so appointed shall, before entering upon the duties of his office, take an oath of office, and give security for the due performance of the said duties, in the manner and to the amount provided by the said Act with regard to the Assistant Inspector of Flour and Meal, making the proper changes in the words of the bond and of the oath; Provided always, that nothing herein contained shall prevent any person, if found duly qualified upon examination, from being at the same time Assistant Inspector of Flour, and Meal and of Oatmeal, and in such case proper changes shall be made accordingly in the words of the oath of office and of the bond; but if any person to be appointed Assistant Inspector of Oatmeal shall be at the time of such appointment an Assistant Inspector of Flour and Meal, it shall not be necessary that he enter into any new bond, but the bond he shall have already given as Assistant Inspector of Flour and Meal shall be construed to have and shall have the same effect in law as if it had been conditioned for the due performance of the duties of his office as Assistant Inspector of Flour and Meal and of Oatmeal.

Examination of Assistants. Oath of office and bond.

Proviso: Assistant Inspectors of Flour and Meal, may be appointed to inspect oatmeal also, if qualified.

Present Assistants so appointed need not give new bonds, &c.

Oatmeal how to be packed and branded. Weight in each barrel. Qualities.

V. And be it enacted, That it shall not be lawful to pack Oatmeal for sale otherwise than in barrels, such as Flour may be lawfully packed in under the said Act; and that the quantity of Oatmeal contained in each such barrel shall be two hundred and twenty-four pounds avoirdupoise; and that in branding or marking the different qualities or descriptions of oatmeal, the qualities shall be designated as follows, viz: that of very superior quality by the word "*First*,"—that of the next inferior quality, by the word "*Second*,"—that of the next inferior quality, by the word "*Third*,"—and that of the lowest quality, by the word "*Unbrandable*": and no Oatmeal shall be branded or marked as inspected except such as shall be in barrels of the description aforesaid, and containing neither more nor less than two hundred and twenty-four pounds avoirdupoise.

Oatmeal improperly packed not to be inspected.

The Standard of quality for flour, to be the same as in New-York.

VI. And be it enacted, That for and notwithstanding any thing in the said Act, no Flour shall be branded or marked by any Inspector in this Province as "*Extra Superfine*," "*Superfine*," "*Fine*," "*Fine Middling*," or "*Middling*," unless it be equal in quality to Flour inspected at the City of New York in the United States of America, and bearing the like brand or mark of quality; and it shall be the duty of each Inspector of Flour and Meal in this Province, to procure proper samples of Flour of the several qualities aforesaid, inspected in New York, and to guide himself by such samples.

VII. And be it enacted, That for and notwithstanding any thing in the Twelfth Section or in any other part of the said Act, each Inspector shall be entitled to receive of and from the person who shall have applied to him to inspect any Flour, Meal or Oatmeal, the sum of one penny currency and no more, exclusive of cooperage, for each and every barrel or half barrel inspected and branded or marked by him, or any of his Assistants; and such fee or allowance shall be paid by the owner or consignee of such Flour, Meal or Oatmeal before it shall be removed.

Fee allowed for inspection.

By whom to be paid.

VIII. And be it enacted, That all the penalties and provisions of the said Act for preventing the contravention thereof, or for the punishment of persons contravening the same, and the enforcing of such penalty or punishment, shall apply to the contravention of this Act in similar cases; and the said Act shall, in so far as such construction shall not be repugnant to the provisions of this Act, be construed as if the said provisions formed part of the said Act, and as if the words "and Oatmeal" had been inserted in the said Act after the words "Flour and Meal" wherever they occur therein, and the words "or Oatmeal" after the words "Flour or Meal" wherever they occur therein.

Penalties and provisions of the said Act, extended to like cases under this Act.

IX. And for correcting a clerical error in the twenty-third section of the said Act, Be it enacted, That the penalty of two shillings, currency, shall be incurred for each and every barrel or half barrel of Flour or Meal, packed in this Province and delivered or offered for sale, inspection or exportation, in the manner mentioned in the said section, *without* such brands or marks as are in the said section mentioned, notwithstanding the insertion of the word "with," by error, instead of the word "without," in the concluding phrase of the said section.

Recital. Correction of a clerical error in section 23 of the said Act.

X. Provided always and be it enacted, That nothing in this Act shall invalidate or in any way alter the true intent and meaning of any existing contracts for the purchase or sale of Flour, based on the standard of inspection heretofore established and in use in Quebec and Montreal, and that the quality of all or any Flour so contracted for, purchased or sold, shall on the requisition of any parties interested in such contract, purchase or sale, be ascertained and tested by the Inspector according to the standard of inspection in use by him, immediately previous to this Act taking effect, and the said Inspector shall give a certificate of the quality of the said Flour according to the said standard, but shall nevertheless if required, brand on the barrels the quality of the Flour according to the standard of inspection now by this Act established.

The provisions of this Act as to the Standard of quality not to affect previous contracts.

XI. And be it enacted, That this Act shall be in force until the first day of January, one thousand eight hundred and fifty, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Duration of this Act.





ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. VII.

An Act to provide for the Inspection of Butter in Quebec and Montreal.

[23d March, 1848.]

WHEREAS it hath become expedient to regulate the packing of Butter, and to provide for the inspection of the same at the Ports of Quebec and Montreal, such inspection being nevertheless optional with the 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 it shall be lawful for the Board of Trade in the Cities of Quebec and Montreal respectively, to appoint a Board of Examiners of Applicants for the office of Inspector of Butter, and from time to time to remove such Examiners and appoint others in their stead; and such Boards of Examiners shall respectively consist of three fit, proper and skilful persons resident in the city or in the immediate vicinity of the city for which they are respectively to act; and such Examiners shall, before acting as such, severally take and subscribe the following oath, before any one of Her Majesty's Justices assigned to keep the Peace within the District in which such Examiners shall respectively reside, and such Justice is hereby required and authorized to administer the same:

Preamble.

Boards of Examiners of Inspectors of Butter to be appointed by the Board of Trade.

Examiners to take an oath of office.

" I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner of Applicants for the office of Inspector of Butter, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding: So help me God."

The Oath.

II. And be it enacted, That the Mayor of the said City of Quebec or Montreal, respectively, for the time being, shall and may, from time to time, by an instrument under his hand and the seal of the Corporation, nominate and appoint an Inspector of Butter for such City, and may, from time to time, remove any such Inspector, and appoint another in his stead; and no person shall be appointed as such Inspector (except as hereinafter provided) who shall not, previously to his appointment as such, undergo an examination before the Board of Examiners for the same place, as to fitness, character and

Mayor of each City to appoint an Inspector of Butter on requisition of the Board of Trade.

Inspector to be examined and approved.

Inspector to
give security.

and capacity, in the manner hereinafter provided; nor shall any person be so appointed as Inspector of Butter, unless approved of and recommended as such by the Board of Examiners or a majority of them, pursuant to such examination; nor except on the requisition of the Board of Trade for the place, with which the Mayor shall be bound to comply; and before any Inspector shall act as such, he shall furnish two good and sufficient sureties, jointly and severally with himself, for the due performance of the duties of his office, in the sum of five hundred pounds, currency; and such sureties shall be approved by the Mayor by whom such Inspector shall have been appointed, and a bond shall be executed before him to Her Majesty, Her Heirs and Successors, in the form used with regard to the sureties of persons appointed to offices of trust in this Province; and such bond shall avail to the Crown and to all persons whomsoever who shall or may be aggrieved by any breach of the conditions thereof; and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn Assistant or Assistants, to be appointed in the manner hereinafter provided.

Sworn As-
sistants only to
act for the In-
spector.

Bond of Sure-
tyship to be
kept at the
office of the
City Clerk.

III. And be it enacted, That the bond or suretyship which shall be made or executed by any such Inspector and his sureties, under this Act, shall be made and shall be kept at the Office of the Clerk of the Corporation of the City for which such Inspector shall be appointed, and every person shall be entitled to have communication and copy of any such bond or suretyship at such Clerk's Office, upon payment of one shilling currency for each communication, and of two shillings and six pence currency for each copy.

Inspectors of
Butter to take
an Oath of
office.

IV. And be it enacted, That each person examined, approved and recommended as aforesaid, shall, if appointed Inspector of Butter, before he shall act as such, take and subscribe an oath before the Mayor of the City for which he shall be appointed, who is hereby required and authorized to administer the same, in the words following, to wit:

The oath.

“ I, A. B., do solemnly swear, that I will, faithfully, truly and impartially, to the best
“ of my judgment, skill and understanding, do and perform the Office of an Inspector
“ of Butter, according to the true intent and meaning of an Act of the Legislature of
“ this Province, intituled, *An Act to regulate the Inspection of Butter*, and that I will
“ not directly or indirectly, by myself or any other person or persons whomsoever,
“ manufacture, buy or sell any Butter, on my account, or upon the account of any other
“ person or persons whomsoever, during the time I shall continue such Inspector.
“ So help me God.”

Oath to be
recorded in the
office of the
City Clerk.
Fee for in-
specting such
oath.

Which Oath shall be recorded in the Office of the Clerk of the Corporation of the City where the same shall be taken, and for recording such Oath, and for a Certificate thereof, the Clerk shall be entitled to demand and have the sum of two shillings and six pence, currency, and no more, and shall give communication of the original to any person who shall apply for the same, on payment of one shilling currency, for each such communication, and two shillings and six pence currency, for each copy.

Proviso as to
persons now
acting as In-
spector of
Butter.

V. Provided always, and be it enacted, That any person who at the time this Act shall come into force shall be acting as Inspector of Butter under the sanction of the Board of Trade at either of the said Cities, shall, on his application to that effect, immediately

immediately after the said time, accompanied by a Certificate of the Board of Trade that he was so acting as aforesaid, be appointed as Inspector under this Act, by the Mayor of the place in which he shall have acted as Inspector, without any examination or any further intervention of the Board of Trade; but any such Inspector shall, after such appointment, be removable, and shall give security, and shall be bound by all the other provisions of this Act, in the same manner as other Inspectors appointed under the authority thereof.

VI. And be it enacted, That upon, from and after the first day of September, one thousand eight hundred and forty-eight, no Inspector of Butter shall brand, mark or certify any Butter as inspected, unless it be packed in the manner hereinafter required; but that upon, from and after the said day, any Butter not so packed, which shall be submitted for inspection, shall, by the Inspector to whom it shall be submitted, be repacked in the manner hereby required, and the Inspector shall receive the actual cost of such new packages as may be required for such re-packing, and the further sum of three pence for each firkin or keg of Butter so re-packed, as compensation for his time and labour; and all butter branded, marked or certified as Inspected shall be packed in firkins or kegs, made of the best seasoned white ash timber, and each bound with at least twelve wooden hoops, and being of the following sizes and dimensions, that is to say: the firkin to contain as nearly as possible fifty-six pounds of Butter, the length of the staves from croe to croe, to be fourteen inches and a half, the diameter of the head to be eleven inches and a half, the thickness of the staves to be, as nearly as may be, three quarters of an inch, and the thickness of the head, as near as may be, half an inch, the package to weigh as nearly as possible, but in no case to exceed ten pounds when dry; the keg to contain, as nearly as possible, eighty-four pounds of Butter, the length of the stave, from croe to croe, to be seventeen inches, the diameter of the head to be thirteen inches, the thickness of the staves to be, as nearly as may be, three quarters of an inch, and of the head, as nearly as may be, half an inch, and the package to weigh, as nearly as possible, but in no case to exceed thirteen pounds when dry; and the weight of each package shall be branded on the outside of the firkin or keg, at the centre of the stave or bilge, with the name of the maker thereof, under a penalty of five shillings currency per package, upon any cooper who shall contravene the requirements of this Act, as aforesaid: Provided always, that nothing herein contained shall apply to any packages other than those containing Butter submitted for inspection.

VII. And be it enacted, That in inspecting Butter, the Inspector shall take out the head of each firkin or keg, and shall pass the taster through the Butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment, shall not be necessary to the preservation of the Butter, and after he shall have ascertained the quality of the Butter, he shall replace so much thereof as he may have taken out, and if there shall in his judgment be a deficiency of loose salt, so that he shall think the preservation and condition of the Butter would be promoted by an additional quantity of salt, he shall add such quantity: he shall then have the package securely headed and coopered, and shall scribe or brand on the head of the package the gross weight thereof in pounds avoirdupoise, excluding fractional parts of a pound, and the tare which shall include one pound weight for each firkin, and two pounds weight for each keg, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the Butter as "First," "Second," "Third" or "Fourth," or as "Grease," according to the quality of the

After 1st Sept. 1848, no Butter to be branded unless packed, &c. as herein required.

Fee for re-packing.

Description of casks in which Butter shall be packed.

Weight of the cask to be branded upon it.

Penalty for contravention.

Proviso.

How butter shall be inspected.

Inspector may add salt.

Weight of the package and tare to be marked on it.

Qualities of butter.

the Butter, and adopting the standard of quality and system of classification in use in that portion of the United Kingdom called Ireland; first, removing all such marks (the distinguishing mark of the owner of the Butter excepted) on the package as may interfere with the brands or marks of the Inspector.

Other marks to be removed.

Inspector to provide suitable premises for storage of butter.

Penalty for contravention.

VIII. And be it enacted, That it shall be further the duty of each of the said Inspectors to provide himself with suitable and convenient premises for the storage and inspection of Butter, and to keep all packages of Butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under a tight roof; and any Inspector contravening this provision, shall forfeit and pay to the owner the sum of five shillings, currency, for every package not stored as aforesaid, besides the actual damages that may be sustained by such owner.

Fees for inspecting, &c.

And for re-inspecting.

Charge for cooperage limited.

And for Storage.

How Storage shall be reckoned.

Charges when payable.

Bill of Inspection.

IX. And be it enacted, That for all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each Inspector shall be entitled to receive six pence, currency, of this Province, for every package of Butter by him inspected as aforesaid,—and if re-inspected, four pence, together with the actual cost or charge of any package by him furnished, or for *extra* cooperage or repairs done to packages containing Butter by him inspected, and no more; the charge for which said *extra* cooperage and repairs shall not in any case exceed three pence per package; and in consideration of which all packages shall be delivered in good shipping order, and such charges shall be paid by the person or persons offering such Butter for inspection, or his or their Agents; and each Inspector shall further be entitled to receive one penny half-penny currency, per month, per firkin, and one penny per keg, per month, for the storage of each package of Butter, which shall remain stored with him as aforesaid more than ten days after the date of the Invoice, Weigh-Note or Inspection Bill, and such storage shall be paid by the person or persons receiving or shipping the said Butter, his or their Agent; but in no case shall any storage be paid or required when the Butter shall not have remained stored as aforesaid during ten days from the date of the Inspection Bill; and all the charges of inspection and storage shall be payable before the Butter shall be re-delivered by the Inspector; and the Inspector shall furnish a Bill of Inspection signed by him, and specifying neatly and legibly the quantity and quality of the Butter, the charges thereon, and the owner's name.

Inspector shall appoint Assistants on requisition of the Board of Trade.

Who only may be appointed.

X. And be it enacted, That each Inspector of Butter respectively, may appoint such number of Assistants as he shall, from time to time, be required to appoint by the Board of Trade of the City for which he is appointed, for the acts of which assistance he shall be and is hereby declared to be responsible, and shall be bound to increase the number of such Assistants from time to time, on a requisition in writing to that effect, from the Board of Trade, and may diminish the same with the permission of the said Board; and each such Assistant shall be subject to the approval of the said Board of Examiners, in the manner hereinbefore provided for the examination of Inspectors, and before entering upon the duties of his office shall take and subscribe the following oath, before the Mayor of the City for which he shall be appointed, who is hereby required and authorized to administer the same:

Oath to be taken by Assistant Inspectors.

“ I, A. B., do swear, that I will diligently, faithfully, and impartially execute the office of Assistant to the Inspector of Butter for according to the true intent

“ intent and meaning of an Act of the Legislature of this Province, intituled, *An Act to regulate the Inspection of Butter*, and that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity, whatever, by reason of my office of Assistant to the said Inspector (except my salary from the said Inspector) and that I will not, directly or indirectly, trade in the article of Butter, or be in any manner concerned in the purchase or sale of Butter: So help me God.”

And such Oath, shall remain in the Office of the Corporation of the City in which the same shall be taken, for the same purposes, and in all cases subject to the same regulations, as to communication and copy, as are provided with regard to the Oath of the Inspector.

Oath how recorded.

XI. And be it enacted, That the said Assistants shall respectively be paid by, and shall hold their offices at the pleasure of the Inspector, and may be removed or reinstated, or others may be appointed in their stead by such Inspector.

Assistants to hold their office at pleasure of Inspector.

XII. And be it enacted, That whensoever a vacancy shall occur in the office of any Inspector of Butter by the death, resignation, or removal of such Inspector, an Inspector of Butter shall, upon the requisition of the Board of Trade for the place, be appointed in his stead by the Mayor of the City, who shall appoint such duly qualified person as shall be recommended for that purpose by the Board of Trade: Provided that no such person shall be appointed Inspector until he shall have undergone an examination before the Board of Examiners, and by them have been certified competent to the duties required of such Inspector, and that he shall not enter upon the duties of his office until he shall have given the security and taken the oath of office required by this Act, and complied with the other requirements thereof.

Vacancy in office of Inspector, how to be filled.

Proviso as to qualification of the person appointed.

XIII. And be it enacted, That any Inspector or his Assistant who during his continuance in office, shall directly or indirectly be concerned in the buying or selling of any Butter, or participate in any transaction or profit arising therefrom, (further than the fees or emoluments granted by the Act for inspection and storage)—or who shall permit any cooper or other person by such Inspector employed, to retain or keep any Butter or the scrapings thereof, or who shall mark, brand, or certify as inspected, any package of Butter of any description or size other than is prescribed by this Act,—or who shall date any Bill of Inspection differently from the time the Butter was actually inspected,—or shall deliver out of his possession any such Bill of Inspection without any date,—or who shall not conform to the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon being legally convicted thereof, for every such offence, be punishable by fine not exceeding one hundred pounds, currency, and be for ever thereafter disqualified and disabled from holding and exercising the duty or office of Inspector of Butter in this Province, or of Assistant to any such Inspector.

Inspectors, or Assistants trading in butter, &c. or otherwise contravening this Act, to be guilty of a misdemeanor.

Penalty limited.

XIV. And be it enacted, That if any Inspector of Butter, or his Assistant, not then employed in the Inspection of any Butter, (according to the duties prescribed by this Act) shall, on application on lawful days between sunrise and sunset to him made, refuse, neglect, or delay to proceed to such examination or inspection, for the space of two hours after such application so made to him, the Inspector or his Assistant so refusing, neglecting or delaying to make such examination and inspection, shall for each

Penalty on Inspector or Assistant neglecting duty.

each such offence forfeit the sum of five pounds, current money, to the use of the person or persons so delayed.

Penalty for counterfeiting brands, or fraudulently marking butter, &c.

XV. And be it enacted, that if any person or persons shall counterfeit any of the aforesaid marks or brands of any Inspector of Butter, or shall impress or brand the same knowing the same to be counterfeit, on any package or packages of Butter, or any other mark or marks purporting to be the mark or marks of the Inspector or of any Manufacturer of Butter, either with the proper marking tools of such Inspector or Manufacturer, or with counterfeit representations thereof, or shall empty any package or packages of Butter marked or branded as aforesaid by an Inspector or Manufacturer in order to put therein other Butter for sale or exportation, without first cutting out the said brand-marks, or shall fraudulently pack therein any other substance than the Butter packed in the same by the Inspector or Manufacturer, and if any person in the employ of any Inspector or Manufacturer of Butter, shall hire or loan out the marks of his employer to any person whatsoever, or shall connive at or be privy to any fraudulent evasion of the provisions of this Act, such person or persons shall for every such offence, incur a penalty of fifty pounds, current money of this Province.

Provision for settling disputes between Inspector, &c. and proprietors of butter.

XVI. And be it enacted, That if any dispute shall arise between any Inspector or Assistant Inspector and the proprietor or possessor of any Butter with regard to the quality thereof, then upon application to any one of Her Majesty's Justices of the Peace for the District in which such Inspector or his Assistant shall act, the said Justice of the Peace shall issue a Summons to three persons of skill and integrity, one whereof to be named by the Inspector or his Assistant, another by the proprietor or possessor of the Butter, and the third by the said Justice of the Peace, requiring the said three persons immediately to examine and inspect the same according to the provisions of this Act, and report their opinion of the quality and condition thereof under oath, (which oath the said Justice of the Peace is hereby authorized and required to administer,) and their determination, or that of a majority of them, shall be final and conclusive, whether approving or disapproving of the judgment of the Inspector or his Assistant, who shall immediately attend thereto, and brand or cause to be branded each and every package of the quality directed by such determination according to the provisions of this Act, and if the opinion of the Inspector or his Assistant be thereby confirmed, the reasonable costs and charges of re-examination, to be ascertained, and awarded by the said Justices, shall be paid by the proprietor or possessor of the Butter, if otherwise, by the Inspector.

Costs by whom payable.

Fees, fines, &c. how recoverable.

XVII. And be it enacted, That all fees, fines, penalties and forfeitures imposed by this Act, not exceeding ten pounds, currency, shall be recoverable with costs by the Inspectors, their Assistants or any other person suing for the same in a summary way before any two of Her Majesty's Justices of the Peace of the District, and shall on failure of payment be levied by Warrant of distress to be issued by such Justices against the goods and chattels of the offender; and when the same shall exceed the sum of ten pounds currency, they shall be sued for and recovered with costs, by bill, plaint or information or action before any Court having jurisdiction, in civil cases, to the amount sued for, and levied by execution as in the case of debt; and one moiety of all such fines and forfeitures when recovered shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the City wherein the said action or prosecution shall have been instituted, and shall remain at the disposal of the Corporation

Corporation thereof for the public use of the said City, and the other moiety shall belong to the person who shall sue for the same, unless the action be brought by an Officer of such Corporation, in which case the whole shall belong to the Corporation for the use aforesaid.

XVIII. And be it enacted, That if any action or suit be brought or commenced against any person or persons for anything done in pursuance of this Act, such action or suit shall be commenced within six months next after the matter and thing done, and not afterwards: And the defendant or defendants in such suit or action may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall be non suit or discontinue his or their action or actions after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases to recover costs at law.

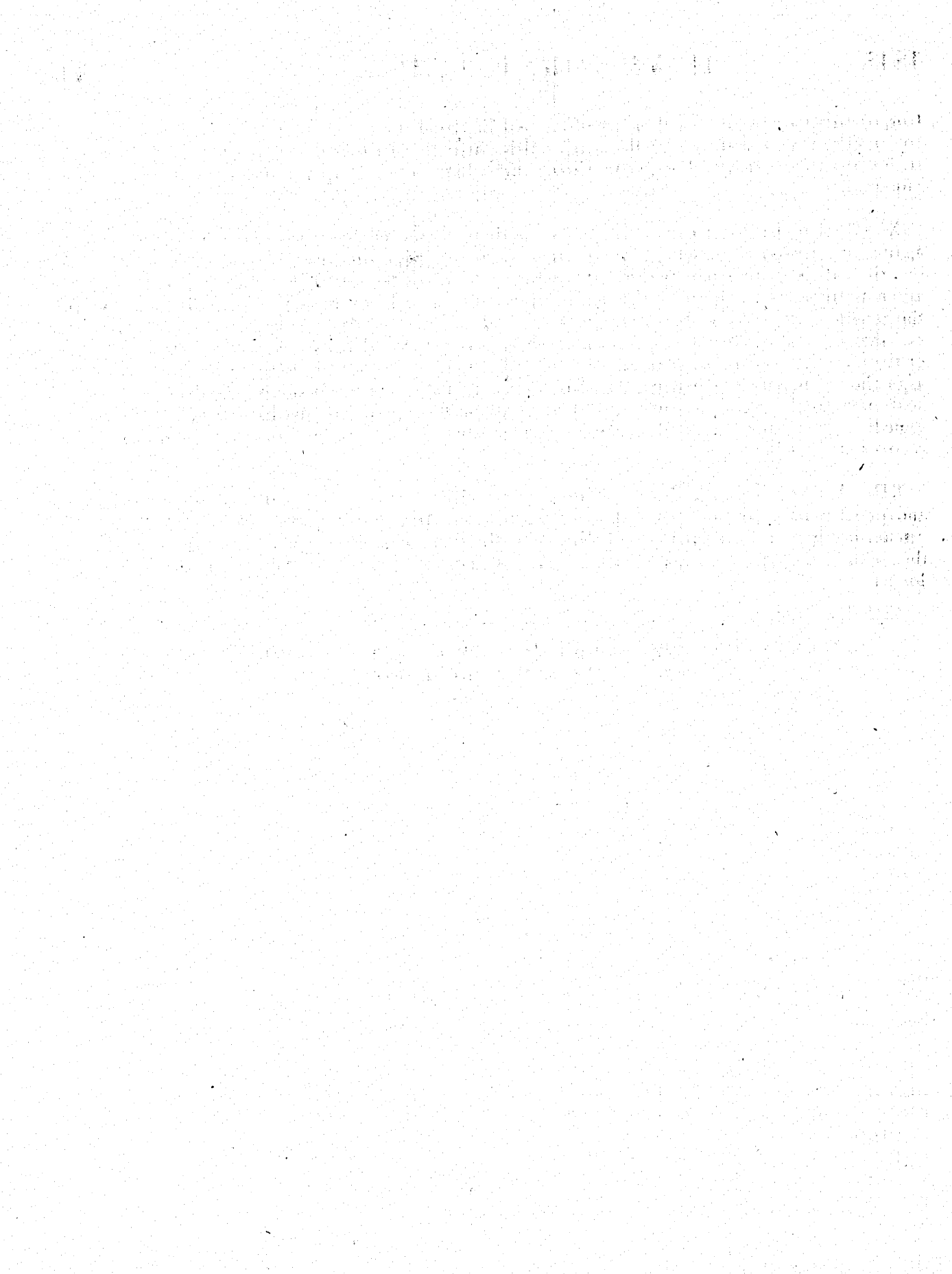
Limitation of
Actions under
this Act.

General issue
may be plead-
ed, &c.

XIX. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the passing of this Act, and that this Act shall remain in force until the first day of May, one thousand eight hundred and fifty, and thence until the end of the then next session of the Provincial Legislature, and no longer.

Duration of
this Act.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.





ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. VIII.

An Act to grant a certain sum to Her Majesty for defraying certain expenses of the Civil Government, for the year one thousand eight hundred and forty-eight.

[23d March, 1848.]

MOST GRACIOUS SOVEREIGN,

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 seventeenth day of March in this present year, one thousand eight hundred and forty-eight, and the Estimates accompanying the same, it appears that the sum hereinafter mentioned is required to defray certain expenses of the Civil Government of the Province, for the year one thousand eight hundred and forty-eight: 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 monies forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding one hundred and forty thousand pounds, for defraying certain expenses of the Civil Government of this Province for the year ending on the thirty-first day of December, one thousand eight hundred and forty-eight, not otherwise provided for by Law.

Preamble.
Message from
His Excellency
recited.

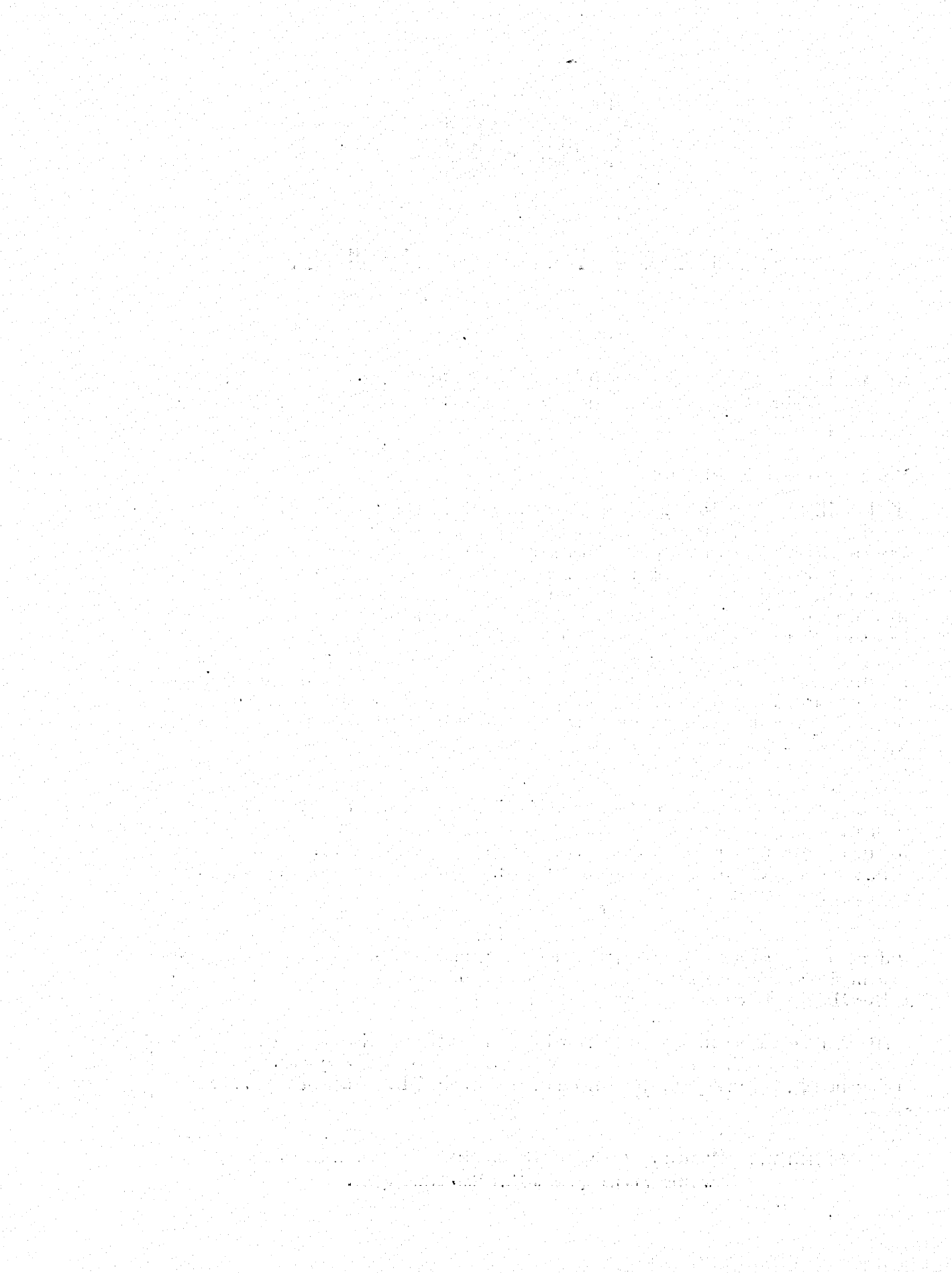
£140,000 may
be applied to
the payment of
expenses of
Civil Govern-
ment for 1848.
not otherwise
provided for.

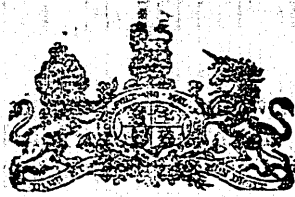
II. And be it enacted, That the due application of the monies hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting
clause.

III. And be it enacted, That a detailed account of the monies 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 the Provincial Parliament next after such expenditure.

Accounts
to be submitted
to the Legis-
lative Assem-
bly.





ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. IX.

An Act for raising on the credit of the Consolidated Revenue Fund, a sum of money required for the Public Service.

[23d March, 1848.]

WHEREAS it is expedient to authorize the raising of a certain sum by loan on the credit of the Consolidated Revenue Fund of this Province, for the purpose 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 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 twenty-five thousand pounds, currency, for the purpose of meeting the contingencies of the Public Service, connected with the Public Works.

Preamble.

Governor in Council may raise £125,000 by loan for purposes connected with Public Works.

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 issue of Debentures to an amount not exceeding in the whole the sum 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 the 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 Consolidated Revenue Fund of this Province.

Governor in Council may issue Debentures for £125,000 currency.

III. And be it enacted, That accounts in detail of all monies received and paid, 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 by authority of this Act, shall be laid before the Legislature of this Province at each Session thereof.

Accounts to be laid before the Legislature.

IV. And be it enacted, That the due application of the monies so to be raised 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 graciously pleased to direct.

Accounting clause.

V.

Interpretation
clause.

V. And be it enacted, That the words "Governor in Council," whenever they occur in this Act, shall be construed to mean the Governor, Lieutenant Governor, or Person administering the Government of this Province, acting by and with the advice of the Executive Council thereof.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. X.

An Act to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira.

[23rd March, 1848.]

WHEREAS it is expedient to make more effectual provision for facilitating the passing of Lumber on the River Moira, and its tributaries, on which Lumber is floated to market, and for that purpose to repeal the Act hereinafter mentioned, and to substitute other provisions instead 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 Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to require Slides of certain dimensions to be erected upon the several Mill Dams in the River Moira and its tributaries, in the District of Victoria*, be and the same is hereby repealed.

Preamble.

Act 9 Vict., c. 52, repealed.

II. And be it enacted, That the owner or occupier of any Dam erected or which may be hereafter erected on the River Moira or its tributaries in the District of Victoria, on which Lumber is floated to market, shall, on or before the first day of October next after the passing of this Act, have or construct and thereafter maintain constantly in repair a good and sufficient Apron to such Dam, at least thirty-two feet in width (if the Dam be of that or of greater width, and if not, then of the width of the Dam) and at least five feet in length for every foot rise of such Dam; and the Dam at the place where the said Apron shall be constructed, shall be at least two feet lower than the top of the said Dam, at any other place, (unless it occupy the whole width thereof as aforesaid) except where the rise of the Dam shall be less than four feet, in which case the height of the Dam at the place where the Apron is constructed shall not exceed one-half its height at any other place; and such Apron shall be constructed on the main channel of the stream, and shall have its highest part one foot below the level of the Dam at the place where it joins the same, under a penalty of one shilling and three pence, currency, for each day on which the requirements of this Act shall remain uncomplished; and such penalty shall be recoverable before any two Justices of the Peace for the District in which the offence shall have been committed, upon the complaint of any person engaged in carrying on the Lumber Trade upon the said River or any tributary thereof, upon

Aprons of a certain size to be constructed to Dams on the River Moira and its Tributaries.

Penalty for Contravention.

How such penalty shall be recovered and enforced.

Proviso Pen-
alty if not paid
may be levied
by distress.

Proviso as to
aprons already
constructed.

upon the oath of one credible witness other than the informer: Provided that if the said penalty be not paid, it shall be levied by distress and sale of the goods and chattels of the offender by Warrant under the hand and seal of such Justices or either of them, and such penalty shall be applied and shall appertain one moiety thereof to Her Majesty for the public uses of the Province and the other moiety to the prosecutor: And provided also, that nothing herein contained shall be construed to oblige any such owner or occupier of a Dam to alter any Apron constructed before the passing of this Act, until such Apron shall require to be renewed; and in case any Apron now constructed or hereafter to be constructed shall be carried away, destroyed or damaged by flood or otherwise, the owner or occupier of the Dam to which the same was attached shall not be liable to such penalty as aforesaid, provided such Apron be repaired or re-constructed in conformity to this Act, so soon as the state of the stream shall be such as to permit such owner or occupier to repair or re-construct the same with safety; but if he fail then to repair or re-construct such Apron, he shall be liable to the penalty aforesaid.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XI.

An Act to amend the Laws relating to the Incorporation of the City of Montreal.

[23d March, 1848.]

WHEREAS doubts have arisen as to the true intent and meaning of that part of the Act passed in the eighth year 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 other Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance*, which establishes a Mayor's Court in the City of Montreal, and it is expedient more clearly to define the authority of the said Court, and also to extend the jurisdiction 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 in addition to the powers and authority already conferred by law upon the Mayor's Court of the said City of Montreal, established under and by virtue of the Act cited in the preamble to this Act, it shall be lawful for the said Mayor's Court to hear and determine all causes and suits that may be brought by the Corporation of the said City of Montreal, for the recovery of any sum or sums of money that may be due and payable to the said Corporation, for the rent or occupation of any butcher's or huckster's stall or other stall or stand whatsoever, in or upon any of the public markets of the said City of Montreal, or as and for the amount of any rate, tax, duty or impost now levied or collected on any of the said public markets, or that may hereafter be lawfully imposed thereon; and also, to hear and determine all causes and suits that may be brought by the said Corporation of the said City of Montreal for the recovery of any water rent, or any sum or sums of money or revenue that may be due and payable to the said Corporation of the said City of Montreal for water rent, or for the supply of water to any house or premises, or to any person or persons in the said City of Montreal, from the Montreal Water Works, now the property of the said Corporation of the said City of Montreal; and also, to hear and determine all cases of offence against any By-law, Rule, Regulation or Order, now in force or that may hereafter be in force in the said City of Montreal; and also, 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 By-law, Rule, Regulation, or Order now in force, or that hereafter

Preamble.
Doubts under
Act 8 Vict.,
c. 59, recited.

Certain further powers conferred on the Mayor's Court, as to divers matters.
Rent for stalls or stands, or other market dues.

Water rent.

Offences against By-laws, &c.
Suits for penalties under By-laws, &c.

Mode of proceeding.

hereafter may be in force in the said City as aforesaid ; and for the purposes aforesaid, any three members of the said Council of the said City of Montreal are hereby authorized and empowered to summon by a Writ to be signed and countersigned in the manner provided for in and by the Act aforesaid, the party or parties accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in favor of as against the said party or parties ; and upon the appearance of the party or parties accused or complained against, or upon default of the said party or parties to appear, upon proof of service of Summons upon the said party or parties, either personally or at his, her, or their residence, by the return, under oath, in writing, of the person who made the service, to proceed with the examination, upon oath, of the witness or witnesses, or both, and to give judgment accordingly, awarding costs to the successful party ; and when the party or parties accused or complained against shall be convicted of such offence, or when judgment shall be given in favour of the prosecutors for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to cause the amount of such judgment, or of the fine or penalty awarded or imposed by the judgment of the said Court, as the case may be, to be levied of the goods and chattels of the said party or parties, in the manner provided for, in and by the Act aforesaid ; and when the said goods and chattels shall not prove sufficient to satisfy the said judgment, then by a Warrant, to cause the person or persons against whom such judgment shall have been given, or the person or persons so convicted, to be apprehended and committed to the Common Gaol of the District of Montreal in the manner, and for the time provided for in and by the said Act ; and when imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Mayor's Court, the said Court, by a Warrant, to be signed and countersigned in the manner provided for by the said Act, and to be addressed as therein also provided, shall cause such person or persons so ordered to be imprisoned, to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District of Montreal, there to remain for the time such person or persons may be so condemned to be imprisoned.

Mode of enforcing the judgment.

Imprisonment for want of sufficient chattels.

Council may fine persons employing carters and not paying them.

II. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to impose, by By-law, a fine not exceeding twenty shillings, currency, or an imprisonment not exceeding ten days, or both, on any person or persons hiring, engaging or employing carters in the said City of Montreal, and neglecting or refusing to pay such carters for their services, according to the rates or charges which they are entitled to demand and receive therefor by the By-laws of the said Council.

Public Act.

III. And be it enacted, That this Act shall be held and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices and persons whomsoever, without being specially pleaded.

Duration of this Act.

IV. And be it enacted, That this Act shall continue in force for two years, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XII.

An Act to amend the Act to incorporate the Town of Dundas.

[23d March, 1848.]

WHEREAS the time limited and appointed for holding the first election of Members for the Town Council of the Town of Dundas in the Gore District, under the provisions of a certain Act passed in the tenth and eleventh year of Her Majesty's Reign, intituled, *An Act to incorporate the Town of Dundas*, hath elapsed without such election having been held, or any action taken thereupon; And whereas it is expedient and necessary to alter and extend the time for holding the said election, and the subsequent annual elections to be holden under the provisions of the said Act; And also to extend the elective franchise to persons residing in any of the Wards of the said Town who may be in possession of real estate therein under a bond or deed or other equitable title thereto, and who would or might be prevented and excluded from voting at any election in the said Wards by the restriction and limitations contained in the fifth Section of the said Act, and otherwise to alter and 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 the whole of the fifth Section of the said Act of Incorporation, and the portions of the sixth Section of the same which limit and appoint the time for holding the first election of Members for the Town Council, and the annual elections of the same, shall be and the same are hereby repealed.

Preamble.

Act 10 and 11
Vict. c. 45,
cited.

Certain Sections of the said
Act, repealed.

II. And be it enacted, That in addition to the qualifications of Members for the said Town Council as contained and defined in the fourth Section of the said Act, every such Member shall at the time of such election, and for one year or upwards previous thereto, be a resident householder within the Ward for which he is elected, or be possessed to his own use of freehold property therein that shall be valued by the Assessors of the Town, at the rental or annual value of fifteen pounds: Provided always, that such valuation shall be ascertained from the then last Assessment Rolls of the said Town.

Additional
qualification
required for
Members of
Town Council.

Proviso.

III.

Members of
Town Council
by whom to be
elected.

III. And be it enacted, That the Members of the said Town Council shall be elected respectively by the majority of votes of such male inhabitants, freeholders or house-holders resident within their respective wards, whose names shall have been entered upon the last Assessment Roll of the said Town, or of such male inhabitants of the said Town who shall be resident within their respective Wards as aforesaid, and who shall be possessed in freehold or otherwise of any warehouse, counting-house, shop, office or store, and whose names shall have been entered on the last Assessment Roll of the said Town : Provided always, that the premises in right of which the said several persons may vote as aforesaid, shall be situate within the Ward in which such persons are respectively entitled to vote as aforesaid, and shall be respectively valued by the Assessor or Assessors of the Town at the rental or annual value of five pounds, such valuation to be ascertained from the last Assessment Roll of the said Town : Provided also, that no person shall be entitled to vote at any such election who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years at the time of such election ; and provided also, that no person shall be entitled to vote in more than one Ward or more than once in any Ward at any election of Members of the said Town Council.

Proviso : in
what wards
Electors shall
vote.

Proviso as to
aliens.

Proviso : no
one to vote
in more than
one ward.

First Election
when to be
held and how
notice shall be
given, &c.

Period of
service.
Annual elec-
tion.

Proviso as to
failure to hold
any elections.

Proviso as to
failure to hold
the first elec-
tion.

IV. And be it enacted, That the first election of members of the said Town Council shall be holden on the third Monday in April next, and the notice to be given of such election, and the persons authorized to hold the same, and the mode of proceeding thereat, shall, in every respect, be the same as prescribed and provided for in the said Act of Incorporation ; and the members chosen at such election shall serve until a new Council shall be elected ; and after the said first election, an annual election of members of the said Town Council shall be holden in the said Wards respectively, in accordance with the general provisions of the said Act, on the third Monday of April in every year : Provided always, that in case any of the said annual elections of members shall not be holden at the time hereby limited for that purpose, the said Town Council shall not for that cause be deemed dissolved, but shall have power at any other day to hold such election in accordance with the thirty-fifth Section of the said Act and the general provisions of the same ; And provided also, that if from any cause the said first election of members shall not be holden on the day hereby limited for that purpose, it shall be lawful for any two or more Magistrates of the Gore District residing within the said Town to appoint a day for holding such election, and the notice to be given of the same ; and all the proceedings at and concerning such election shall in every respect be the same as contained and provided for the said first election under the provisions of the said Act of Incorporation in that behalf.

Certain Laws
repealed as
far as regards
the said Town.

A sum to be
paid by the
Town Council
to the Treas-
urer of the
District.

V. And be it enacted, That from and after the passing of this Act, all Laws now in force within this Province providing for the assessment and collection of any rates or assessments for the general purposes of the District, so far as the same apply to the said Town of Dundas, shall be and the same are hereby repealed ; and in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Gore District, the said Town Council shall some time in the month of January in each and every year, out of the monies of the said Town, pay to the treasurer of the Gore District for the general purposes of the said District, such sum annually as the District Council of the said District and the said Town Council shall agree upon, or in default of such agreement, the yearly sum of seventy-five pounds to be reduced however in the same proportion as the charges on the said District are or may be reduced, by the expenses

expenses of the administration of Justice within the District being paid out of the Provincial funds, the first payment thereof to begin and to be made some time in the month of January next : Provided always, that nothing herein contained shall extend or be construed to extend to prevent or excuse the said Town from paying to the general funds of the said District all such sum and sums of money as are or may be hereafter collected within the said Town, for or on account of the assessment already imposed by the general Assessment Laws of this Province, and due and payable by the inhabitants of the said Town for the year before the passing of this Act.

Proviso as to Assessments now due.

VI. And be it enacted, That the said Town Council shall have power and authority, in their discretion, by a By-law for that purpose, to alter and change the time limited and appointed by the thirty-seventh Section of the said Act of Incorporation, for assessing and levying the yearly rate or assessment therein mentioned, and for the returns of the Assessment Rolls of the respective Wards by the Assessor or Assessors of the said Town respectively ; anything in the said Section contained to the contrary thereof notwithstanding.

Town Council may alter time for assessing provided by Section 37 of the said Act.

VII. And be it enacted, That in all cases not fully provided for in this Act, reference shall be had to the said Act of Incorporation, and the same shall be followed and be the rule of guidance in every respect, except where the same is repealed or altered or repugnant to the provisions of this Act, or to any part thereof.

Reference to be had to the said Act in cases not herein provided.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XIII.

An Act to incorporate *The City of Kingston Gas Light Company.*

[23d March, 1848.]

WHEREAS it is desirable to provide a cheap and effective mode of lighting the streets, squares and places in the City of Kingston, as well as the shops and private dwellings therein; and whereas the several persons hereinafter mentioned 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 City with Gas Lights; and whereas the City Council of the City of Kingston have signified their consent to the establishment of the said Company, for the general benefit of the inhabitants of the City; 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 twelfth day of February in the present year, pursuant to public notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company for one year from the first Monday in March in this present year, namely, John Counter, William Wilson, John Richardson Forsyth, William Ford, the younger, John Watkins, Henry Gildersleeve, Francis Manning Hill, John Mowat, and William Ferguson; and at a subsequent meeting of the Directors above mentioned, they did from among their own number elect the said John Counter to be President, and the said William Wilson to be Vice-President of the said Company; and the said Petitioners desire that the above named President, Vice-President, and other Directors, shall 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 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 John Counter, William Wilson, John Richardson Forsyth, John Watkins, William Ford, the younger, Francis Manning Hill, Henry Gildersleeve, John Mowat, William Ferguson, Augustus Thibodo, Thomas Augustus Corbett, Thomas Kirkpatrick, Charles Stuart, Charles W. Jenkins, John Fraser, Charles Brent, John Patterson, James Patterson, Robert McCormick, Archibald John Macdonell, William J. Goodeve, Donald Christie, Matthew Drummond, Francis Henderson, and Allan

Preamble.

Certain persons incorporated.

Corporate name and powers.

Property.

Proviso as to real property.

Allan Neil McLean, 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 City of Kingston 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 any one time shall not (over and above the value of the works thereon erected) exceed one thousand pounds, currency.

Capital of the Company.

Proviso for increase.

Power to borrow money and pledge 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 twelve thousand five hundred pounds, currency, in shares of twenty-five 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 twelve thousand five hundred 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 twelve thousand five hundred pounds, currency, either among themselves or by the admission of new Shareholders, such new Stock being divided into shares of twenty-five 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 ten thousand pounds, currency, and to pledge and hypothecate the property and income of the said Company for the repayment of the sum so borrowed, and the interest thereon.

Present Directors continued for a time.

III. And be it enacted, That the President, Vice-President, and Directors hereinbefore named, shall continue in office until the first Monday in March, in the year of Our Lord, one thousand eight hundred and forty-nine, or until the next General Election, if no Election be had on that day, unless they shall sooner resign, be removed, or become disqualified, under the provisions of this Act.

Annual General Meeting when to be held.

Hour and place to be fixed by By-law.

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 forty-nine, 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 nine persons, being each a proprietor of not less than five shares in the Stock of the said Company, as Directors for managing the affairs of the said Company; which nine Directors shall continue in office until the next General Election of Directors.

V. And be it enacted, That any five 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.

Quorum of Directors.

Who shall preside.

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 and seal; 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.

Statements to be submitted at Annual Meetings.

Proviso for failure of election of Directors.

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 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, 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 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.

Directors to choose President and Vice-President.
Vacancies how filled.

Proviso: how Directors shall vote in such cases.

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 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; and to make contracts on behalf of the

Powers of the Directors.
Officers.

By-Laws.

Special Meetings.

Instalments.

Dividends.
Contracts.

Company,

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, or 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 twenty of the Stockholders being proprietors together of not less than two hundred shares of the Stock of the said Company, then by such twenty (or more, as the case may be) Stockholders; the Directors or Stockholders giving at least four weeks' notice thereof in at least two of the public newspapers of the City of Kingston, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proviso as to By-Laws.

Proviso as to Special Meetings.

Notice thereof.

Voting at Annual or Special Meetings.

Number of votes and of shares to be held by any one party limited.

Subscriptions before the passing of this Act to be valid.

Recovery of Subscriptions.

What shall be sufficient averment in actions for subscriptions.

What shall be sufficient proof in such actions.

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 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, and no Stockholder shall be allowed to hold more than two hundred and fifty shares.

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.

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 advertising in the newspapers during at least four weeks before such instalment shall be called for: Provided always, that no instalment shall be called for, except after the lapse of a fortnight 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 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 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 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 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.

Amount and periods of instalments.

Proviso as to intervals between calls.

Forfeiture of percentage on shares for non-payment of instalments.

And of the whole shares.

Transfer of forfeited shares.

Proviso: forfeitures to be declared at a General or Special Meeting.

Effect of forfeiture.

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 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 how to be transferred.

Proviso: Transfer to be registered.

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 Kingston, or in his absence to the City Clerk, to break up, dig and trench so much and so many of the streets, squares, and public places of the said City of Kingston, 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 City Surveyor under the direction of the Council of the said City 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

Power to break up and open streets.

Precautions to be observed.

Penalty for neglect in observing precautions.

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 of Law of competent jurisdiction, at the suit of any person or persons, or of the Corporation of the City of Kingston, 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.

Power to break up and open ground in passages, &c.

XIV. And be it enacted, That where there are buildings within the said City of Kingston 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 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 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.

Satisfaction to be made for damages.

Construction of Gas Works.

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 City, 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 City of Kingston, in any Court of competent civil jurisdiction, except a Court constituted under and by virtue of any Act or Acts incorporating the City of Kingston.

Works subject to visitation by the Municipal Authorities.

Penalties for disobedience.

Power to construct and carry on works, &c.

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

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.

To dispose of surplus materials, &c.

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.

Power to lay 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.

To sell and lease meters, fittings, &c. Fittings, &c. not to be liable to the landlord for rent, &c.

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.

Penalty for wilful damage or alteration of fittings, &c.

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 City of Kingston, for lighting the streets, squares, and public buildings and places of the said City with Gas, at such reasonable rates and prices for the general benefit of the City as may be mutually agreed on.

Company may contract with City Authorities for public lights.

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.

Penalty for wilful damaging street lights, &c. For waste of Gas.

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,

Penalty for careless injuries to fittings, &c. And for deceit in burning Gas.

How recoverable.

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.

Power to cut off Gas for non-payment of dues.

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 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 expenses of cutting off the Gas, in any competent Court by action of debt.

Power to enter premises supplied with Gas. On giving notice.

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.

And to remove and repair apparatus.

Penalty for using Gas without consent of Company.

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 wilfully injuring or destroying the works, &c.

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 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 the power and authority to condemn such person to pay a penalty not exceeding ten pounds, currency, or be confined in the

Or increasing the supply of Gas.

Common

Common Gaol of the District for a space of time not exceeding three months, as to such Court shall seem meet.

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 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, 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 City Surveyors, under the direction of the said Council of the City, 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 City 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 City of Kingston, by civil action in any Court of competent jurisdiction.

If the Company neglect to observe certain precautions, the City authorities may do so, and charge for expense.

How recovered.

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.

This Act not to prevent the incorporation of any other Company, &c.

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.

Rights of the Crown and others, &c. not to be affected.

XXX. And be it enacted, That in case the present limits of the City of Kingston be enlarged by any Act to be passed in the present or any future Session of the Parliament of this Province, it shall be lawful for the said Company to extend their operations over any such enlarged limits or the future liberties of the said City, 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 City of Kingston.

Rights of the Company to be extended over any future limits of City.

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 goods and chattels of the offender or for his imprisonment in the Gaol of the Midland District 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 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.*

Certain penalties how recovered.

Penalty to be accounted for as provided by 4 & 5 Vict. c. 12.

Interpretation
clause.

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.

Works to be
in operation in
five years on
pain of
forfeiture of
charter.

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 to the said Company shall cease, and be of no effect

Public Act.

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.

Duration.

XXXV. And be it enacted, That this Act shall be and remain in force for fifty years and no longer.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XIV.

An Act to incorporate *The Consumers' Gas Company of Toronto.*

[23d March, 1848.]

WHEREAS the great and increasing extent of the City of Toronto, and the great demand for a cheap and effective mode of lighting the streets and places in the said City, as well as houses, shops and other buildings therein, render it desirable that more than one Company should be established for the purpose of furnishing a further supply of Gas for lighting the said City; And whereas the Mayor, Aldermen and Citizens of the City of Toronto, have signified their assent to the establishment of the said Company, and to their having the necessary powers connected with the establishment and construction of the necessary works; And whereas a considerable proportion of the Stock of the said Company has already been subscribed for, and the first instalment at the rate of five per centum paid: And whereas at a General Meeting of the Stockholders of the said Company held on the twenty-ninth day of October, in the year of Our Lord, one thousand eight hundred and forty-seven, pursuant to public notice, the following persons were duly elected Directors to manage the affairs of the said Company for one year from the date of such election, namely: Charles Berczy, Richard Kneeshaw, Ezekiel F. Whittemore, Hugh Scobie, Hugh Miller, James Beatty, Richard Yates, George C. Horwood, John T. Smith, Peter Paterson, Robert H. Brett and David Paterson; And whereas, at a subsequent meeting of the said Directors, they did elect the said Charles Berczy, President, and the said Richard Kneeshaw, Vice-President of the said Company; And whereas the said several persons hereinbefore named and others, have by their Petition prayed that they may be incorporated under the style and title of *The Consumers' Gas Company of Toronto*, and that the above named Directors, President and Vice-President may continue in office and be confirmed as such Directors, President and Vice-President, until others shall be elected in their stead under the provisions hereinafter made, and have also prayed that they may be invested with all the necessary powers and privileges usually granted to similar Corporations, for the purpose of supplying the City of Toronto with Gas in greater quantity, of better quality and at a cheaper rate than the same hath been heretofore supplied; 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, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada*,
and

Consumers' Gas Company of Toronto, incorporated.

Their powers.

Property.

Proviso as to extent of real property.

Power to construct works, &c.

To dispose of certain products of their works, &c.

Capital of Company.

To what purposes applicable.

Proviso for increase.

Proviso for borrowing money.

and for the Government of Canada, and it is hereby enacted by the authority of the same, That the said Directors or such of them and such other persons as now are or shall hereafter become Shareholders in the said Company, shall be and are hereby ordained and constituted a Body Politic and Corporate by the name and style of *The Consumers' Gas Company of Toronto*, and by that name and style 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 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 property and lands, tenements and other real property for the purposes of the said Company, and for the erection and construction and convenient use of the Gas Works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead for the purposes and uses aforesaid, and that any person or persons, Body or Bodies Politic or Corporate may give, grant, bargain, sell or convey to the said Company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the said Company shall be so holden for the purposes and business of the said Company as set forth in this Act, and for constructing their necessary works for and about the same and for no other purposes whatsoever, and that the total yearly value of the lands and real property to be so holden at any one time shall not (over and above the value of the works thereon erected,) exceed two thousand pounds, currency; and that it shall be lawful for the said Company, subject to the restrictions herein contained, 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, watercourses, 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 to do all other acts necessary and convenient as they shall think proper for supplying the inhabitants of the said City with Gas, and also to sell and dispose of coke and of all and every product or products, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas in such manner as the said Company may think proper, and also to manufacture the refuse of any such Gas.

II. And be it enacted, That the said Company may raise and contribute among themselves such sum as shall not exceed the sum of twenty-five thousand pounds, currency, in shares of twelve pounds, ten shillings, 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 whatsoever; Provided always, that if the said sum of twenty-five 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 twenty-five thousand pounds, currency, either among themselves or by the admission of new Shareholders, such new Stock being divided into Shares of twelve pounds, ten shillings, currency, each: Provided also, that in the event of difficulty arising in procuring subscribers for the Capital, it shall be lawful for the President and Directors for the then time being of the said Company to borrow a sum or sums of money for the purposes aforesaid not exceeding the sum of fifteen thousand pounds, currency, and to pledge and mortgage

mortgage or otherwise assign by way of security, the property, rates and income of the said Company for the re-payment of the sum so borrowed and the interest thereon.

III. And be it enacted, That the President, Vice-President and Directors hereinbefore named, shall continue in office until the last Monday in October in the year of Our Lord, one thousand eight hundred and forty-nine, or until the then next General Election, if no election be had on that day, unless they shall sooner resign, be removed, or become disqualified under the provisions of this Act.

The present President, Vice-President and Directors continued in office for a certain period.

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 last Monday of October, in the year of Our Lord, one thousand eight hundred and forty-nine, and a General Meeting on the last Monday of October 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, twelve persons, being each a proprietor of not less than four shares in the Stock of the said Company, as Directors for managing the affairs of the said Company, which twelve Directors shall continue in office until the next General Election of Directors.

Annual General Meeting, when to be held, and for what purposes.

V. And be it enacted, That any five 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 meeting of the Directors; Provided always, that no person being a Shareholder in any other Gas Company formed for the purpose of furnishing Gas to the said City shall be a Director of the Company hereby established.

Quorum of Directors, &c.

Proviso.

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 last Monday in October 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, 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 and seal; Provided always, that in the event of there being no election of Directors on the last Monday of October 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.

Statements to be submitted at Annual Meetings.

Proviso for the case of failure of any Election.

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 offices respectively until the then next election of Directors, and 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 persons so chosen

Directors to elect President, &c.

Vacancies how filled.

to

to be President, 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 amongst the other 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 the Directors shall always vote *per capita* and not according to the number of shares they hold, and in case of an equality of votes, the Presiding Officer to give the casting vote.

Proviso.

Casting vote.

Powers of
Directors.

Officers.

By-Laws.

Calls.

Dividends.

Contracts, &c.

Proviso as to
By-laws.Proviso as to
Special Meet-
ings.Proportion of
votes to shares,
at Meetings,
&c.

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 on the 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 not exceeding ten *per centum per annum*, out of the profits of the said undertaking as they may deem expedient, and to make contracts, or 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 nowise 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 twenty of the Stockholders, being proprietors together of not less than two hundred and fifty Shares of the Stock of the said Company, then by such twenty or more (as the case may be) Stockholders; 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.

IX. And be it enacted, That at all meetings of Shareholders 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 on every occasion when the votes of the Shareholders are to be given, each Shareholder shall, if he hold one share and not exceeding two shares, have one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for fourteen shares, six votes; for twenty shares, seven votes; for thirty-five shares, eight votes; for sixty shares, nine votes; for one hundred shares, ten votes; and no Shareholder to have a greater number of votes than ten.

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 portion 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 together with interest, in any Court of Law or Equity in this Province having competent 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 (stating the number of shares) 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 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.

Subscriptions before the passing of this Act to be valid.

How recoverable if not paid when called for.

What shall be sufficient averment and proof.

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 at least two of the Toronto newspapers during at least three weeks before such instalment shall be called for; Provided always, that no instalment shall be called for except after the lapse of one calendar month 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 and not less than five *per centum* 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 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

Amount of instalments, and notice of calls.

Proviso: Period between calls. Forfeiture for non-payment.

Proviso: Forfeiture to be declared at some Meeting, &c.

for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Gas Works.

Shares how transferable.

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 Shareholder; 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 a manner provided by the said By-Laws.

Proviso.

Power to open ground in streets, &c.

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, Aldermen and Citizens 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 the 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 City Surveyor, under the direction of the Council of the said City, shall reasonably permit and point out; also placing guards and fences with lamps, and providing watchmen during the night, and taking all other necessary precaution 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 Her Majesty's Court of Queen's Bench at Toronto, at the suit of any person or persons or of the Corporation of the Mayor, Aldermen, and Citizens of the City of Toronto, 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.

Precautions to be observed.

Re-establishing such streets, &c.
Penalty for neglect.

Power to open ground in passages, &c.

XIV. 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 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 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 in common to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, and to lay any pipes, branches or other necessary apparatus from any main or branch pipes, 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

of Gas, and for measuring and ascertaining the extent of such supply, 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 the 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 provision 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.

Satisfaction to be made for damages done.

XV. 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 the City of Toronto Gas Light and Water 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, shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of the said City of Toronto Gas Light and Water Company, under a penalty of five pounds, currency, for each offence or neglect thereof, which penalty shall be paid to the said City of Toronto Gas Light and Water Company, and be recovered by civil action in Her Majesty's Court of Queen's Bench at Toronto: Provided always, that if any difference shall arise between the said City of Toronto Gas Light and Water Company and the said Consumers' Gas Company of Toronto, or any other Company established or to be established in the City of Toronto, as to the practicability of 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 Mayor's Court of the said City 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.

Precautions for distinguishing pipes of this Company from those of others, &c.

Penalty for contravention.

Proviso as to the differences with the other Company.

Proviso for appeal.

XVI. And be it enacted, That the said Company shall so construct and locate their Gas Works and all apparatus and appurtenances thereto appertaining, or therewith connected, and wheresoever situated, as in nowise 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 Gas Works 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 health, safety and convenience of the inhabitants thereof, and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall be moreover, at all reasonable times, subject to the visits 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 Mayor, Aldermen and Citizens of the City of Toronto, in any Court of competent civil jurisdiction.

Location of Gas Works, how to be regulated.

Control of the City Council.

Penalty for contravention.

Company not doing certain works within the limited time, the same to be done by City Surveyor at their cost.

Repayment by the Company provided for.

Penalty for using Gas without consent of Company.

Penalty for wilfully injuring or impeding the use of the works of the Company.

Fraudulently increasing the size of Burners.

This Act not to prevent incorporation of other Com-

XVII. 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 to be forthwith 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 Citizens of the City of Toronto, by a civil action in any Court of competent jurisdiction.

XVIII. 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 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, or such supply be obtained or furnished, notwithstanding any contract or agreement which may have been previously entered into, which said sum, together with the costs of suit on that behalf incurred, may be recovered by civil action in any Court of competent civil jurisdiction.

XIX. 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 meter, main-pipe, pipe, or other works, or apparatus, appurtenances or dependencies thereof, or any matter or thing already made or provided, or which shall be made or 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 wilfully alter or impair any meter so that the same shall indicate less Gas than actually passes through the same, 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 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 District for a space of time not exceeding three months as to such Court may seem meet, and such person shall defray the expenses attending the repair or replacing of such meter.

XX. 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 their own premises, or to prevent the Legislature

Legislature of this Province at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinfore granted to the said Company, or from incorporating any other Company for like purposes.

panies, or private Gas works.

XXI. 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, or of any body or bodies corporate or collegiate, such only excepted as are herein mentioned.

Saving of Rights not mentioned.

XXII. 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 to the said Company shall cease and be of no effect.

Works to be in operation within five years.

XXIII. And be it enacted, That in all cases where it shall be lawful for the Company to cut off and take away the supply of any Gas from any house or building or premises under the provisions of this Act, it shall be lawful for the said Company, their agents and workmen, upon giving twenty-four hours' previous notice to the occupier, to enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, 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 for the purpose of repairing and making good any such house, building and premises where such pipes or apparatus shall have been so introduced.

Power to remove pipes where the supply of Gas shall be lawfully cut off or discontinued.

XXIV. And be it enacted, That if any person supplied with Gas by the said Company shall neglect to pay any rate or rent due to them at any of the times of payment thereof, it shall be lawful for the said Company or any person acting under their authority, to stop the Gas from entering the premises of such person by cutting off the service or other pipe to such premises, or by such means as the Company shall think fit; and that the said Company may recover the rate or rent due from such persons, together with the expenses of cutting off the Gas and costs of recovering the same in any Court of competent jurisdiction in this Province.

Provision for recovery of rents, or Gas dues.

XXV. And be it enacted, That neither the service nor connecting pipes of the said Company, nor any meter belonging to the said Company, shall be taken or seized for rent due to landlords, for the debts of 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.

Pipes, &c., not to be liable for rent due by consumer.

XXVI. And be it enacted, That any person who shall wilfully remove, destroy, damage, fraudulently alter, or in any way falsify any meter, pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the Company or to any person, or shall wilfully extinguish any of the public lamps and lights, or waste or improperly use any of the Gas supplied by the said Company, shall for each such separate and distinct offence forfeit any sum not exceeding five pounds, and shall pay to the Company or such person three times the amount of the damage done.

Penalty for wilfully damaging or removing pipes.

XXVII. 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

Satisfaction to be made for accidental

damage to
any pipes or
works, &c.
How to be en-
forced.

the said Company, or keep the 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, it shall be lawful for any Justice of the Peace or Magistrate of or for the City of Toronto or Home District to summon before him the person against whom such complaint shall be preferred, and for any two or more of the said Justices or Magistrates, upon hearing the allegations and proofs on both sides, or on non appearance of the person so complained against, to award such sum of money by way of satisfaction to the said Company or to such person as the case may require, for such damages or excess as the said Justices or Magistrates shall consider reasonable, and in case of neglect to pay any sum so awarded within three days after demand, it shall be lawful for the said Justices or Magistrates to cause the same to be raised and levied by proceedings in due form of law.

Public Act.

XXVIII. And be it enacted, That this Act be and it is hereby declared to be a Public Act, and that the same may be construed as such in all Her Majesty's Courts in this Province.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XV.

An Act to incorporate "The Western Telegraph Company."

[23d March, 1848.]

WHEREAS the Honorable Malcolm Cameron, the Honorable Francis Hincks, John Wilson, and William Buel Richards, and other inhabitants of this Province, having associated themselves together, have constructed an Electro-Magnetic Telegraph extending from the City of Hamilton to London, through Dundas, Brantford, Woodstock and London, and intend to continue the Telegraph to the Western boundary of the Province, at or near the South end of Lake Huron, and have petitioned to be incorporated for the purposes of this Act, 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 said Malcolm Cameron, Francis Hincks, John Wilson and William Buel Richards, together with all and such persons as shall become Stockholders of the Company hereinafter mentioned, shall be, and are hereby constituted a Body Corporate and Politic by the name of *The Western Telegraph Company*, and by that name they and their successors shall and may have continued succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, 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 shall be in law capable of purchasing, having and holding to them and their successors any estate, real and personal or mixed, to and 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 or expedient: Provided always, that the real estate to be held by the said Company shall be only such as may be necessary for the purpose of building, using and preserving the said Electro-Magnetic Telegraph, and for objects immediately connected therewith.

Preamble.

Company incorporated.

Corporate name and powers.

Common Seal.

Property.

Proviso as to real property.

II. And be it enacted, That the stock, property, rights and claims of the said Association, shall from and after the passing of this Act, be vested in the said Corporation, and

Property and liabilities of the present Association.

ciation transferred to the Company.

and the liabilities of the said Association shall be the liabilities of the said Corporation.

Power to maintain and complete present works.

III. And be it enacted, That the said Company shall have full power and authority to maintain and keep up that part of the said Electro-Magnetic Telegraph already erected and built by them in such manner and in such places as the same has been and is now constructed, and to complete the same from the said City of Hamilton to the Western line of this Province, at or near the said south end of Lake Huron, and in making or maintaining and repairing the same, to take down, remove, replace, renew and re-erect the same in any other part of the public roads and highways of the several Districts, Cities, Towns and Villages between the said City of Hamilton and the said end of Lake Huron, through which the same is carried or to be carried, to cut down and remove all trees which may obstruct or interfere with the erection or efficient working of the same; also to cross the line on all bridges and over all rivers; Provided always, that the full and perfect use and enjoyment by the public of the roads and highways over which the same may pass be in no ways infringed or impeded by the works of the said Company, and that the navigation be not hindered; and that no further or other posts or erections shall be put or placed in and upon such roads or highways except under the direction of the Commissioners of Public Works or their Officers.

To alter and renew them.

To cut down trees that interfere.

To cross bridges and rivers.

Public not to be incommoded or navigation hindered.

Control to Commissioners of public Works.

Penalties for malicious mischief to the Telegraph, &c.

IV. And be it enacted, That if any person or persons shall wilfully or maliciously, and to the prejudice of the Company, break, throw down, damage or destroy the said Telegraph erected or to be erected, or any part thereof, or any of the station houses, watch houses, observations, posts, poles, wires or other apparatus, works or devices incidental or relating thereto or connected therewith, or shall do any other hurt or mischief to or shall wilfully or maliciously obstruct or interrupt the free use of the said Telegraph or any of the appurtenances thereof, or obstruct, hinder or prevent the carrying on, completing, supporting and maintaining, using or working of any Telegraph constructed or maintained under the authority of this Act, such person shall forfeit and pay to the said Company, double the value of the damage proved by the oath of one or more credible witness to have been done, and such other fine, not exceeding five pounds, as may be imposed, together with costs, to be recovered on information in any Court of Law, having jurisdiction over the offence, or before any one or more Justices of the Peace, and in default of payment of such damages, fine and costs, to be committed to the Common Gaol of the District in which the offence was committed for any period not exceeding three months.

Shares to be £5 currency each.

Capital Stock £4000.

Increase.

How shares transferable.

To be personally.

V. And be it enacted, That a share of the Capital Stock of the said Company shall be five pounds, and the Capital Stock of the Company shall be four thousand pounds, current money of Canada, divided into eight hundred shares, and the said Capital Stock shall be increased from time to time, should a majority of Shareholders consider it necessary; and that such shares shall be transferable in the books of the said Company only, and shall be deemed personal property, and as such shall and may be disposed of, and shall like other personal property be subject to execution and sale for the satisfaction of debts.

Affairs of the Company to be managed by five Directors. President.

VI. And be it enacted, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year only, unless re-elected, and such

such Directors shall be Stockholders, and be elected on the second Friday of January in every year, at such place, and at such hour as a majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in one or more newspapers printed in London, and in such other newspapers of the Province as the Directors may think fit, of such time and place, not less than ten days previous to the time of holding such 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 person or by proxy, and all elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number than five shall by plurality of votes appear to be chosen as Directors, then the Shareholders hereinbefore authorized to hold such election shall proceed by ballot a second time, and by plurality of votes determine which of the said parties so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five: and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect one of their number to be President; and the said President, with two others of the said Directors, or in the absence of the President any three Directors, shall form a *quorum* for the transaction of business connected with the said Company; and if any vacancy or vacancies shall at any time happen among the Directors or in the office of President, 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 to be nominated by a majority of the Directors; Provided always, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least ten shares.

Time & place of election.

What notice shall be given.

Election to be by ballot.

President and two Directors form a quorum.

Manner of filling vacancies.

Proviso: Qualification of Directors.

VII. And be it enacted, That each Stockholder shall be entitled to one vote for each and every share not exceeding fifty he or she shall have held in his or her own name, at least thirty days prior to the time of voting: and that every firm or co-partnership holding any shares shall be a Shareholder under this Act, and any one of the said firm attending such meeting shall be deemed the shareholder of such firm, attending for and on behalf of such firm.

Proportion of votes to shares.

Shares held jointly.

VIII. 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 that 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 By-laws and Ordinances of the said Corporation.

Remedy if election of Directors be not made at time appointed.

IX. And be it enacted, That no Director, Officer or Agent of this Association shall be authorized to contract any debt or obligation creating a charge upon the members individually, or upon any other fund than the Capital Stock subscribed, or other property and income of the Association; and this limitation of power shall be incorporated in every contract made in the name or upon the responsibility of the said Association.

No debt to be contracted except such as are chargeable on the subscribed stock only.

X. And be it enacted, That it shall and may be lawful for the Directors of the said Company, or a major part of them, from time to time to fix and regulate the charges or dues to be received by the said Company for the transmission and delivery of communications

Directors to fix charges.

Telegraph,
charges and
property
vested
in Company.

communications by the said Electro-Magnetic Telegraph, and by their clerks and other officers and servants to ask for, demand, receive, recover, and take the same; and that the said Electro-Magnetic Telegraph and the said charges or dues for the transmission of such communications, and all posts, wires and materials of any kind, which have been or shall from time to time be used, got or had for constructing, building, maintaining or repairing the same, shall be and are hereby vested in and shall be the property of the said Company and their successors for ever, notwithstanding the said posts or any other part of the apparatus or machinery of the said Telegraph be fixed in or to any land or real property not belonging to the said Company.

Dividend to be
declared or
withheld.

Accounts to be
rendered.

Audit of
accounts.

Proviso.

XI. And be it enacted, That the Directors of the said Company shall have full power to declare dividends of the profits of the said Company, at such times, as to them, or a *quorum* of them shall appear advisable, and that at each Annual General Meeting of the Stockholders of the said Company, two fit and proper persons to be Auditors of Accounts shall be elected by the Stockholders to examine and certify the books and accounts of the said Company, to whom the Directors shall render an exact and particular statement of the affairs, debts, credits, profits and losses of the said Company; which statement shall appear on the books, and be certified and signed by the said Auditors, and be open to the inspection of any Stockholder at his or her reasonable request: Provided always, that such Auditors may or may not be Shareholders of the said Company, and that such accounts shall be made up to the end of the year next preceding such General Meeting.

Directors to
make By-laws,
rules and
regulations.

To appoint
officers.

Penalties
limited.

XII. 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 By-laws, Rules and Regulations as to them shall appear needful and proper touching the duty and conduct of the Officers, Clerks and Servants employed by the said Company, and also shall 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, and that such By-laws, Rules and Regulations may impose penalties on such Officers, Clerks and Servants not exceeding five pounds for any infraction thereof, and shall bind the Members of the Corporation, their Officers and all parties concerned, provided they be not repugnant to the laws of this Province or to this Act.

Provision for
the case of
the Dissolu-
tion of the
Company.

XIII. And be it enacted, That the Company may be dissolved by a majority of four-fifths of the Shareholders in number and value, at a General Meeting called for such purpose, and of which public notice shall be given by advertisement in not less than two newspapers in the London District, and in such other newspapers in the Province as the Directors shall think fit, at least sixty days before such meeting is held; and in the event of the Company being dissolved, the existing Directors shall be empowered to realize all properties in the name of the Company, and the proceeds, deducting salaries and all expenses, shall be divided amongst the Shareholders in proportion to their several interests.

The present
Directors con-
tinued in
office until
January 1849.

XIV. And be it enacted, That the present Directors elected by the original Stockholders to manage the affairs of the said Company until an Act of Incorporation should be obtained, that is to say: Adam Hope, Lawrence Lawrason, Thompson Wilson, John Wilson, and Malcolm Cameron, be and are hereby constituted Directors for managing the

the affairs of the said Company until new Directors shall be elected under and by virtue of the provisions of this Act in January next; and that they shall have, possess and exercise all the powers which are given by this Act to the Directors to be hereafter chosen under its provisions.

Their powers.

XV. And be it enacted, That the Government of this Province shall and may at any time take possession of the said Telegraph Line and of the property of the said Company by paying to the said Company the sum actually paid out by them in the erection and completion of the works of the said Company.

Government may assume the Telegraph on repaying the cost.

XVI. 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 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 against, with or in respect to any of the powers given to the said Corporation.

This Act may be altered or amended so as to protect the public.

XVII. And be it enacted, That Communicating Offices shall be established and upheld in the different Towns through which the said Telegraph passes on the same terms as provided in 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 Telegraph Company.*

Stations to be established on the same terms as under 10 & 11 Vict. c. 83.

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

Public Act.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XVI.

An Act to incorporate "The Toronto Athenæum."

[23d March, 1848.]

WHEREAS an Association hath been formed in the City of Toronto, in this Province, by divers persons resident in that City and in the neighbourhood thereof, under the name of *The Toronto Athenæum*, for the formation of a Public Library and Museum, and other literary purposes in connection therewith, for the use and benefit of the members of the said Association and of such persons as may hereafter become members thereof; And whereas the persons hereinafter named being Office-bearers of the said Association, and acting in behalf of the Members thereof, have by their petition to the Legislature represented that they have by gift and purchase acquired a valuable collection of books, minerals and other necessary property, and have caused lectures to be delivered in various branches of knowledge advantageous to the said association in their pursuits in life, and have further represented that the benefits derivable from such an Association to the community of which they form a part, would be secured and enhanced by the incorporation of the members thereof, and have prayed to be so incorporated; And whereas it is expedient to grant the prayer of the said petitioners, subject to the provisions and enactments 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 George Percival Ridout, William Henry Boulton, The Reverend Henry Scadding, The Honorable Samuel Bealy Harrison, William Botsford Jarvis, John Cameron, Clarke Gamble, Skiffington Connor, Thomas Champion, Alex. Murray, Donald Bethune, James Bovell, The Honorable John Elmsley, The Honorable John Hillyard Cameron, Frederick William Barron, The Reverend John Bardey, Charles Berezy, Captain Lefroy, R. A., William Hume Blake, Alexander Dixon, Thomas Dennie Harris, John Mitchell, The Honorable Robert Baldwin Sullivan, Joseph C. Morrison, Joseph David Ridout, M. P. Hayes, Peter Patterson, David B. Read, George Brooke, Charles W. Cooper, and Samuel Thompson, with all such other persons as now are, or being duly competent may hereafter be associated with them for the purposes hereinbefore mentioned, and their successors forever, shall be one body politic and corporate in deed and in name, by the name and style

Preamble.

Certain persons incorporated.

Corporate name and powers. style of *The Toronto Athenæum*, and shall by that name 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 have, take, receive, purchase, acquire, hold, possess and enjoy to them and their successors aforesaid, to and for the use and purposes of the said Corporation, any messuages, lands, tenements and hereditaments of any nature, kind or quality whatever, situate, lying and being within this Province, not exceeding in yearly value the sum of fifteen hundred pounds, currency, and also to take, receive, purchase, acquire, lease, hold and possess to and for the same uses and purposes, any goods, chattels, gifts or benefactions whatsoever, and shall and may by the same name be able and capable to sue in law and to be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and places whatsoever, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or any persons able and capable in law may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.

Common Seal.

Property

Other powers.

Annual Meetings when to be held.

Election of officers.

Period of service. Council, and its powers. Failure to elect at any time provided for.

Proviso: When the officers elected shall enter upon their duties.

II. And for the better accomplishment of the purposes hereinbefore mentioned, Be it enacted, That the members of the said Corporation and their successors forever, shall, on the second Thursday of January in each and every year hereafter, meet at some convenient place to be appointed by the Corporation, (or the major part of those who shall be present at any General Meeting,) between the hours of twelve in the forenoon and twelve in the evening, and that they, or the major part of such of them as shall be there present, shall choose one President, four or more Vice-Presidents, a Treasurer, Secretary, and five or more Committee-men, and such other Officers and Servants as they or the major part of them shall deem expedient to serve in the said offices during the year then next ensuing, which said Officers, together with the Governors of the said Association hereinafter mentioned, shall be and form a Council for the management of the affairs of the said Corporation, and may do and transact all matters and business relative to the interests of the said Corporation, and if by reason of any matter or thing whatsoever, the election so to be had and made on the second Thursday of January as aforesaid, shall be prevented, or shall not be had or made, then and in every such case it shall be competent to the members of the said Corporation and their successors, or to the major part of such of them as may be present at a meeting called by the President, or one of the Vice-Presidents for the time being, in the manner hereinafter prescribed and held, as soon as shall be convenient, to proceed to and make the election of a President, four or more Vice-Presidents, one Treasurer, one Secretary and five or more Committee-men, and other Officers and Servants as aforesaid, and the elections so made shall be as valid and effectual as if they had been made on such second Thursday of January, and the President and other Officers of the said Corporation theretofore elected shall continue in office until others shall be elected in their stead, anything hereinbefore contained to the contrary notwithstanding; Provided always, that the President, Vice-Presidents, Treasurer, Secretary and Committee-men as aforesaid, to be elected at any General Election of Officers under and by virtue of the provisions of this Act, shall not enter upon nor act in the discharge of their respective offices until the Thursday next ensuing after such General Election.

III. And be it enacted, That until the first election of Officers shall take place as herein provided, the present Officers of the Association shall be and continue to be the Officers of the Corporation hereby created, and that the President, or in his absence from the City of Toronto, any of the Vice-Presidents of the said Corporation shall within three months after the passing of this Act cause notice to be given to such of the members of the said Corporation as shall be then resident in the City of Toronto, by public advertisement to be published ten days at least previously in one or more newspapers in Toronto, to meet at such place and time as he shall in and by such notice appoint, and the said members, or the major part of such of them as shall be present, shall at the time and place so appointed proceed to the election of a President, and of four or more Vice-Presidents, a Treasurer, a Secretary, and five or more Committeemen, and of such other Officers and Servants as to them shall seem meet, which said Officers from the time of their election to their respective offices shall continue therein until the second Thursday of January then next ensuing, and from thenceforth until others be chosen in their places in the manner aforesaid.

Present officers to continue in office until the appointment of their successors.

Notice to Members of the Corporation.

Election of officers *pro tempore*.

IV. And be it enacted, That if at any time or times it shall happen that any of the persons chosen to fill the said offices respectively, shall die or be removed from the said offices, or resign the same during the period for which they shall have been respectively elected, then and in every such case it shall be lawful and competent for the remaining Officers of the said Corporation, or the major part of such of them as may be present at any duly appointed meeting, to choose a member or members of the Corporation to fill the office or offices so vacated; Provided always, that the person or persons who may thus be elected shall retain the said office or offices only until the next ensuing annual election of Officers, as hereinbefore provided, and no longer.

Vacancies in offices how filled.

Proviso.

V. And be it enacted, That the said Corporation shall have power to appoint Governors of the said Corporation, who shall be Trustees during their natural lives, of the Museum and Library of and belonging to the said Corporation, and who shall have the sole control of the said Museum and Library, subject to such regulations as may be adopted from time to time by the said Corporation.

Appointment of Governors of Corporation.

VI. And be it enacted, That the members of the said Corporation, or the major part of them, who shall be present at any General Meeting of the said Corporation held according to the requirements and provisions of this Act, shall have power and authority to frame and make By-laws, Rules and Regulations touching and concerning the good government of the said Corporation and the income and property thereof, and any other matter or thing relative to the same which to them may seem fit or expedient for the effectual attainment of the objects of the said Corporation and the administration of its concerns; and also, from time to time, by such new By-laws, Rules and Regulations as to them shall seem meet, to alter or repeal those so made as aforesaid: Provided always, that no such repeal or alteration shall be valid unless notice of the motion for such repeal or alteration shall have been placed in some conspicuous part of the usual place of meeting of the said Corporation for at least one calendar month previous to the General Meeting at which such motion shall be made and considered; Provided also, that no such Statutes, By-laws, Rules or Orders shall be contrary or repugnant to the laws of this Province or to the provisions of this Act.

Power to make By-laws, Rules and Regulations for certain purposes.

And to alter the same.

Proviso as to alterations.

Proviso.

Members of
Corporation
not indivi-
dually liable
for its obliga-
tions.

VII. And be it enacted, That nothing herein contained shall 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 any debts or obligations contracted for or in the name of the said Corporation.

Public Act.

VIII. And be it enacted, That this Act shall be held and considered to be a Public Act, and as such shall be judicially taken notice of, held and considered in all Courts of Justice, and by all Judges and Justices of the Peace, and by all others whom it may concern, without being specially pleaded.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XVII.

An Act to incorporate the *Institut Canadien de Québec*.

[23d March, 1848.]

WHEREAS an Association has lately been formed in the City of Quebec, in this Province, under the name of the *Institut Canadien de Québec*, 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 the diffusion among Her Majesty's Subjects of the said City of Quebec and its environs, of 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 the utility of the Members of the said Association and of those who may form part thereof in future: And whereas Marc-Aurèle Plamondon, Esquire, President, and Messrs. F. Braun, N. Casault, E. R. Fréchette, C. P. Peltier, P. Garneau, G. H. Simard, L. A. Huot, J. B. Fréchette, O. Crémazie, A. Montminy, N. Aubin, Louis Bilodeau, T. T. Gauvin, Louis Fiset, the younger, Louis Bourgeois, J. P. Rhéaume, Jean Langlois, James Lemoine, Joseph Hamel, L. H. C. Blois, V. Tessier, J. O. Vallières, J. M. Hudon, E. Chinic, A. Côté, J. B. A. Chartier, Ab. Hamel, G. Vanfelson, F. Evantur-elle, J. G. Taché, G. Borne, Joseph Hamel, F. Hamel, H. Chouinard, U. J. Tessier, P. V. Bouchard and Olivier Giroux, the present Office-bearers acting in 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, commenced the formation of a Museum, and the collection of other objects necessary to the ends of the said Association, and caused several lectures to be given to the public on various useful matters: And whereas they have further represented that in order to obtain 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

Preamble.

Names of
Petitioners
for this Act.

Certain per-
sons incor-
porated.

and they are hereby constituted a body politic and corporate by the name of the *Institut Canadien de Québec*, 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 movable property or effects, as well as any immovable or real estate, provided that the said immovable property shall not exceed the value of twenty 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.

Corporate name and powers.

Property.

Value of real property limited.

Service of process on the Corporation.

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 a sufficient service for all purposes of law.

Officers of Corporation.

How and when to be chosen.

Proviso for failure of any election.

Proviso: time for first meeting.

III. And be it enacted, That the Officers of the said Corporation shall be: An Honorary President, an Acting President, two Vice-Presidents, a Treasurer, a Sub-Treasurer, a Recording Secretary, two Assistant Recording Secretaries, a Corresponding Secretary, two Assistant Corresponding Secretaries, a Librarian, a Curator of the Museum, a Board of Management to be composed of the Acting President and two Vice-Presidents, the Treasurer, the Recording Secretary, the Corresponding Secretary, the Librarian, the Curator of the Museum, and of sixteen other Members of the said Corporation, which said Officers and Board of Management shall be chosen and elected by ballot by a majority of the members present at the General Meeting which shall be held on the first Monday of the month of February 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.

Power to make By-laws, &c.

How the same may be repealed or altered.

Proviso.

IV. And be it enacted, That the Board of Management shall have the administration of the goods 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, and unless such change shall have been approved by two thirds of the members present; Provided always, that the said Regulations shall in no respect be contrary to the laws of this Province, or to the provisions of this Act.

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 purposes other than that of the election of the Officers, it shall be lawful for the President, or in his absence 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.

Special General Meetings how to be 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 for debts of Corporation.

VII. And be it enacted, That this Act shall be held and considered to be a Public Act, and shall be judicially taken notice of as such in all Courts of Justice, by all Judges and Justices of the Peace, and all others whom it may concern, without being specially pleaded.

Public Act.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.





ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell a part of the Glebe, on certain conditions.

[23d March, 1848.]

WHEREAS by Letters Patent of His late Majesty King William the Fourth, under the Great Seal of that part of this Province formerly Upper Canada, bearing date at Toronto, the eighteenth day of January, one thousand eight hundred and thirty-six, certain parcels of Land therein described were granted as a Glebe and endowment to be held appurtenant with the Parsonage or Rectory of St. Paul's Church in the Town of London, in the District of London; and whereas it appears by the Petition of the Reverend Benjamin Cronyn, Rector of the said Church, and of the Church Wardens thereof, that it would be greatly to the advantage of the said Church and the improvement of the said Town, that the Rector and Church Wardens of the said Church should, subject to the Provisions hereinafter mentioned, be empowered to sell and convey a certain portion of the said Land hereinafter and in the said Letters Patent mentioned and described: 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 Rector and Church Wardens of St. Paul's Church aforesaid for the time being, and they are hereby empowered and authorized by deed to grant, bargain, sell and convey in fee simple, Lot Number Thirteen, in Concession C, in the Township of London, or any part thereof, being part of the said grant in the said Letters Patent mentioned, containing two hundred acres of Land more or less, at such time or times and in such part or parts as they may think fit, and to such person or persons, party or parties as may be disposed to purchase the same or any part or parts thereof, and for such sum and consideration, upon such conditions as they may deem it advisable to accept, any thing in the said Letters Patent or in any Act or Law to the contrary notwithstanding.

Preamble.

Rector, &c.
of St. Paul's
Church autho-
rized to sell
Lot 13, Con-
cession C., in
the Township
of London, or
parts thereof.

II. And be it enacted, That the said Rector and Church Wardens shall and may and they are hereby empowered and required to apply the proceeds accruing from the sale of the said lot toward the completion of the said Church, the payment of the debt incurred for the erection thereof, the erection of a Parsonage House and such outhouses

They may ap-
ply proceeds of
the sale to the
completion of
the Church,
&c.

as

Proviso: Purchaser not bound to see to the application of purchase money.

as may be required for the residence of the Minister or other Incumbent of the said Church, the use and benefit of the said Minister or Incumbent, and for the purchase of such other Land as may be deemed advisable for the use of the said Church, to be held for the purposes set forth in the said Letters Patent in lieu of the said Land sold and conveyed or to be sold and conveyed under the authority of this Act: Provided always, that the receipt for the purchase money to be contained in any such conveyance shall be an absolute discharge to the purchaser or purchasers for the same, who shall be in no way bound to see to the application, misapplication or non-application of the same, or any part thereof.

MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1848,—11° VICTORIÆ,
FIRST SESSION, THIRD PARLIAMENT.

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TO THE

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FIRST SESSION, THIRD PARLIAMENT, 1848.

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